Also, petition of the State board of agriculture of Massachusetts, for a more liberal appropriation for the suppression of the gipsy and brown-tail moths—to the Committee on Agriculture.

Also, petition of the State Camp of New Mexico, Patriotic Order Sons of America, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of the Boston Marine Society, for bill S. 528 (the subsidy shipping bill)—to the Committee on the Merchant Marine and Fisheries.

By Mr. KLINE: Paper to accompany bill for relief of Augustus Shiery—to the Committee on Invalid Pensions.

Also, petitions of the Reading (Pa.) Telegram and the Welt Bote and Frieden's Bote, of Allentown, Pa., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LEE: Paper to accompany bill for relief of Benton Freeman—to the Committee on War Claims.

By Mr. LILLEY: Papers to accompany bills for relief of Aaron C. Sanford and Joanna Gloster—to the Committee on Invalid Pensions.

By Mr. McCARTHY: Petitions of the Omaha Commercial Club and the Omaha Grain Exchange, for an appropriation for improvement of Missouri River near Omaha—to the Committee on Rivers and Harbors.

By Mr. McKINLAY of California: Petition of Veterans of the Civil and Spanish Wars, for restoration of the Army canteen—to the Committee on Military Affairs.

By Mr. McKINNEY: Paper to accompany bill for relief of Clarence A. McIntosh—to the Committee on War Claims.

By Mr. MARTIN: Petition of citizens of Deadwood, S. Dak., for restoration of the Army canteen—to the Committee on Military Affairs.

Also, petition of citizens of Cascade Springs, S. Dak., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. MOORE: Paper to accompany bill for relief of Jacob B. Haslam—to the Committee on Invalid Pensions.

By Mr. MOUSER: Petition of the Daily Register, Sandusky, Ohio, against tariff on linotype machines—to the Committee on Ways and Means.

Also, petitions of R. J. Kistner Council, No. 3, of Fostoria, Ohio; Bucyrus Council, No. 184; Seneca Council, No. 58; Wyandot Council, No. 95, and Sycamore Council, No. 333, Junior Order United American Mechanics, for restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. NORRIS: Paper to accompany bill for relief of Benjamin J. McConnell—to the Committee on War Claims.

By Mr. PATTERSON of South Carolina: Paper to accompany bill for relief of heirs of Dr. John W. Kirk—to the Committee on War Claims.

Also, paper to accompany bill for relief of Nehemiah Tindall—to the Committee on Pensions.

By Mr. PEARRE: Petition of the Brotherhood of St. Paul of the First Methodist Episcopal Church of Baltimore, Md., for investigation of affairs in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. RAINEY: Petition of citizens of Arenzville, Ill., for an appropriation for deepening the channels of the Illinois and Mississippi rivers—to the Committee on Rivers and Harbors.

Also, petition of citizens of Calhoun County, Ill., for a deep waterway from the Lakes to the Gulf—to the Committee on Rivers and Harbors.

By Mr. REYNOLDS: Papers to accompany bills for relief of the widow of Joseph S. Bussard, Daniel Lamberton, Jacob Glass, Jonathan Derno, Capt. John Downey, George H. Boney, and Andrew J. Foor—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Arkansas: Petition of R. W. Dunway et al., for an appropriation of $50,000,000 for improvement of waterways—to the Committee on Rivers and Harbors.

Also, petition of S. A. Miller et al. and citizens of Arkansas, against the Dillingham-Gardner immigration bill—to the Committee on Immigration and Naturalization.

Also, petitions of A. J. Walls, of Lonoke, Ark; D. E. Baker et al., and T. W. Abbott et al., for cotton demonstration work—to the Committee on Agriculture.

Also, paper to accompany bill for relief of Walter C. Hudson—to the Committee on War Claims.

By Mr. SHEPPARD: Petitions of citizens of Clarksdale, Tex.; Sterrett, Ind. T.; Petty, Tex., and Hugo, Ind. T., for an appropriation for improvements in the upper Red River—to the Committee on Rivers and Harbors.

By Mr. TAYLOR of Ohio: Paper to accompany bill for relief of Washington Kurtzman—to the Committee on War Claims.

By Mr. ZENOR: Paper to accompany bill for relief of Hiram G. McLemore—to the Committee on Invalid Pensions.

SENATE.

FRIDAY, *January 11, 1907.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when (on request of Mr. KEAN, and by unanimous consent) the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

AGRICULTURAL DEPARTMENT MAIL MATTER.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a record of mail matter entered at the Washington City post-office under the penalty privilege by the Department of Agriculture; which, with the accompanying paper, was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

GEORGETOWN BARGE, DOCK AND ELEVATOR RAILWAY COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Georgetown Barge, Dock and Elevator Railway Company for the fiscal year ended December 31, 1906; which was referred to the Committee on the District of Columbia, and ordered to be printed.

FINDINGS BY THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of Harry N. Stearns, administrator of Francis Josselyn, deceased, *v.* The United States;

In the cause of Adelaide B. Lindenberger *v.* The United States; and

In the cause of James Boro and Mary Boro, heirs of James Boro, deceased, *v.* The United States.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented resolutions adopted by the Catholic Federation of Cleveland, Ohio, relative to the treatment by the Republic of France of Catholics in that country; which was referred to the Committee on Foreign Relations.

He also presented a petition of the National Business League of Chicago, Ill., praying for the enactment of legislation to revise the public-land laws of the United States; which was referred to the Committee on Public Lands.

He also presented a petition of the National Business League of Chicago, Ill., praying for a reorganization of the consular service of the United States; which was referred to the Committee on Foreign Relations.

Mr. FRYE presented a petition of the congregation of the Friends Church of Winthrop Center, Me., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of the Medical Society of the District of Columbia, of Washington, D. C., praying for the enactment of legislation providing for the reclamation of Anacostia Flats in that District; which was referred to the Committee on the District of Columbia.

Mr. KEAN presented memorials of sundry citizens of Trenton, Jersey City Heights, Elizabeth, Bridgeton, Washington, and Gloucester County, all in the State of New Jersey, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

He also presented the petition of Rev. John E. Parmly, of Atlantic Highlands, N. J., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was ordered to lie on the table.

He also presented a petition of the New Jersey State Federation of Women's Clubs, praying for the enactment of legislation to regulate child labor in the District of Columbia; which was ordered to lie on the table.

Mr. PERKINS presented a petition of the Farmers' Institute of Glendora, Cal., praying for the enactment of legislation for the protection of animals, birds, and fish in the forest reserves of California; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented memorials of sundry citizens of Los Angeles, Cal., remonstrating against the enactment of legislation requir-

ing certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. McENERY presented sundry papers to accompany the bill (S. 4659) for the relief of the heirs of John Schwartzenburg, sr., deceased; which were referred to the Committee on Claims.

Mr. TALIAFERRO presented a petition of the Ministers' Alliance of Jacksonville, Fla., praying for an investigation into the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

Mr. FLINT presented memorials of sundry citizens of Los Angeles, San Bernardino, Riverside, Orange, and San Diego counties, all in the State of California, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. DILLINGHAM presented a memorial of the librarian of the Fletcher Free Library, of Burlington, Vt., and a memorial of the librarian of the St. Johnsbury Athenæum Library, of St. Johnsbury, Vt., remonstrating against the enactment of legislation to amend and consolidate the acts respecting copyright; which were referred to the Committee on Patents.

He also presented a memorial of sundry citizens of Winhall, Vt., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

Mr. FULTON presented a petition of sundry citizens of Elgin, Oreg., praying for the enactment of legislation authorizing the transmission through the mails, free of postage, of matter to be used by the blind; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. TELLER presented sundry memorials of citizens of Pueblo, Colo., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

He also presented a petition of the chamber of commerce of Colorado Springs, Colo., praying for the enactment of legislation to increase the salaries of postal clerks in all first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Building Laborers' International Union No. 1, of the Machinists' Local Union, of the Commercial Telegraphers' Union of America, of Local Union No. 1, of Columbine Local Union, No. 451, and of Cigar Makers' Local Union, No. 129, all of the American Federation of Labor, of Denver, Colo., praying for a modification of the present Chinese-exclusion law so as to include Japanese and Koreans; which were referred to the Committee on Immigration.

Mr. DEPEW (for Mr. PLATT) presented a memorial of sundry citizens of Watertown, N. Y., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

He also presented a petition of Onondaga Lodge, No. 705, Brotherhood of Railroad Trainmen, of Syracuse, N. Y., praying for the passage of the so-called "employers' liability bill;" which was ordered to lie on the table.

Mr. PROCTOR presented a petition of the Progressive Club of Women, of Rutland, Vt., and a petition of the legislative committee of the General Federation of Women's Clubs, of Rutland, Vt., praying that an appropriation be made for a scientific investigation into the conditions of woman and child workers in the United States; which were referred to the Committee on Education and Labor.

Mr. CLAPP (for Mr. GAMBLE) presented an affidavit to accompany the bill (S. 6619) granting a pension to Betsey Anderson; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 10843) authorizing the extension of Kenyon street NW.;

A bill (H. R. 128) for the opening of a connecting highway between Waterside drive and Park road, District of Columbia;

A bill (H. R. 121) authorizing the extension of Seventeenth street NW.;

A bill (H. R. 8435) for the opening of Fessenden street NW., District of Columbia;

A bill (H. R. 14815) for the extension of Harvard street, Columbia Heights, District of Columbia; and

A bill (H. R. 14900) to extend Fourth street NE.

Mr. HEMENWAY, from the Committee on Military Affairs, to whom was referred the bill (S. 1566) for the relief of Isaiah Heylin McDonald, reported it without amendment, and submitted a report thereon.

ELEVATOR, GRAIN BUYING AND FORWARDING BUSINESS.

Mr. WHYTE, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. McCUMBER December 5, 1906, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate and House of Representatives 3,000 copies of the testimony taken in the investigation, pursuant to Senate resolution of June 25, 1906, directing the Interstate Commerce Commission to make a thorough investigation of the elevator and grain buying and forwarding business of this country to determine to what extent special favors have been granted to them by railroad companies; the influence which the alleged monopolizing of this branch of business has had upon the market; the injury it has worked to the grain producers; the extent to which the railroads, their officers, directors, stockholders, and employees own or control the grain-buying and grain-forwarding companies, and the manner in which these railroads, their officers, directors, stockholders, and employees secured holdings, if any, in these grain buying, storing, and forwarding companies, and to report the same to the Congress at its next session; 1,000 copies for the use of the Senate and 2,000 copies for the use of the House of Representatives.

PRESIDENT'S MESSAGE ON PANAMA CANAL.

Mr. WHYTE. I am directed by the Committee on Printing, to whom was referred the joint resolution (H. J. Res. 214) to provide for the printing of 16,000 copies of Senate Document numbered 144, Fifty-ninth Congress, second session, to report it favorably without amendment, and I submit a report thereon. I ask that the joint resolution may be considered immediately.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides for printing 16,000 copies of the special message of the President of the United States concerning the Panama Canal, to be accompanied by a map to be prepared under the direction of the Joint Committee on Printing, 5,000 copies for the use of the Senate, and 11,000 copies for the use of the House of Representatives, to be distributed through the folding room.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH NALLY.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by him on the 10th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay, out of the contingent fund of the Senate, to Elizabeth Nally, widow of Dennis Nally, late a laborer in the employ of the Senate of the United States, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expense and all other allowances.

ELECTRIC RAILWAY AT VICKSBURG, MISS.

Mr. OVERMAN. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 14811) to authorize George T. Houston and Frank B. Houston to construct and operate an electric railway over the national cemetery road at Vicksburg, Miss., to report it favorably without amendment, and I submit a report thereon.

Mr. MONEY. I ask unanimous consent for the present consideration of that measure.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill, as follows:

Be it enacted, etc., That permission is hereby given to George T. Houston and Frank B. Houston, their associates, successors, and assigns, to erect, construct, operate, and maintain an electric railway over and along the national cemetery road at Vicksburg, Miss., from said city of Vicksburg northward to the northern boundary of the Government right of way for said road: *Provided*, That a minimum width of 30 feet of the roadway, over and above that used by the railway tracks, be left all along said road for a driveway, sidewalk, and gutters; that the licensees, their associates, successors, and assigns, shall repair all damage done to the Government roadway by the construction of their line of railway, and shall maintain their railway and said roadway within the tracks and for 2 feet on each side of the tracks in proper state of repair thereafter: *And provided further*, That said electric railway shall be constructed, operated, and maintained according to plans and specifications to be submitted to and approved by the Secretary of War, and under such regulations as may be prescribed by him.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. BURKETT. Mr. President, I do not want to object to the consideration of the bill, but I should like to have some explanation of it.

Mr. MONEY. If the Senator will permit me a moment, this is a bill to facilitate passage to and from the most beautiful cemetery perhaps which the National Government owns, and one of the greatest military parks. The bill was drawn in the office of the Secretary of War and has been approved by the Department officials and the cemetery people and everybody. I hope the Senator will not object to it. It passed the House, and it has been reported unanimously by the committee. It has been viséed by everyone concerned, and there is no objection found to it.

Mr. BURKETT. I have not had occasion to look the matter up at all, but I know that around the national cemeteries and parks the Government has secured in the past, for purposes which have been apparent, roads leading to them, and it has always been very careful to guard the approaches to the cemeteries.

Mr. MONEY. This bill was prepared in the office of the Secretary of War, and all those points have been attended to.

Mr. BURKETT. I shall not object to its consideration.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROPOSED DRAINAGE INVESTIGATIONS.

Mr. LATIMER. I am instructed by the Committee on Agriculture and Forestry to report back, with amendments, a resolution, and to ask for its immediate consideration.

The resolution submitted by Mr. LATIMER June 25, 1906, and referred to the Committee on Agriculture and Forestry, was read, as proposed to be amended, as follows:

Whereas there is in the United States between 50,000,000 and 100,000,000 acres of swamp, tidal, and overflowed lands which are now, for lack of drainage, unproductive and a prolific source of malarial and other diseases, and the Secretary of Agriculture having for the past three years conducted drainage investigations in this country and abroad and has accumulated a large amount of valuable data on the subject: Therefore, be it

Resolved, That the Secretary of Agriculture be, and he is hereby, authorized and directed to prepare and submit to the Senate on or before March 1, 1907, a report on drainage, to include the following:

First. The location and area of lands in the United States that are swamp and overflowed and susceptible of being drained and made fit for agriculture.

Second. The effect of drainage on such land and on the public health and upon agriculture.

Third. The area of land which has been drained under the laws of the different States and the benefits which have resulted therefrom.

Fourth. The summary of the legislation of the different States and of the legal and business methods under which drainage works have been constructed and maintained.

Fifth. A review of the drainage laws and policies of the leading agricultural countries of Europe and their results.

Mr. KEAN. I should like to look at the resolution before it is passed. Let it go over.

The VICE-PRESIDENT. Objection is made to the present consideration of the resolution.

Mr. LATIMER. Under the rule it goes over?

The VICE-PRESIDENT. It will go to the Calendar.

BILLS INTRODUCED.

Mr. TELLER introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7713) granting an increase of pension to Joseph Kingsbury;

A bill (S. 7714) granting an increase of pension to Molden Bledsoe;

A bill (S. 7715) granting an increase of pension to Harman Dennis Moon; and

A bill (S. 7716) granting an increase of pension to Ann E. Kimball.

Mr. PETTUS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 7717) for the relief of the estate of Marcus M. Massengale, deceased (with accompanying papers);

A bill (S. 7718) for the relief of Burwell J. Curry (with accompanying papers);

A bill (S. 7719) for the relief of Jacob A. Paulk, in his own right and as administrator of the estate of Jonathan Paulk, deceased;

A bill (S. 7720) for the relief of the estate of Enoch R. Kennedy, deceased (with an accompanying paper); and

A bill (S. 7721) for the relief of the heirs of A. E. Mills, deceased (with accompanying papers).

Mr. TALIAFERRO introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7722) granting an increase of pension to Henderson Stanley; and

A bill (S. 7723) granting a pension to Catherine Spencer.

Mr. FOSTER introduced a bill (S. 7724) granting an increase of pension to Paul J. Christian; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DILLINGHAM introduced a bill (S. 7725) authorizing the registration of division of naturalization mail matter; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 7726) to correct the naval record of Charles C. Lee; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7727) granting a pension to James L. Swan (with accompanying papers);

A bill (S. 7728) granting a pension to Catharine Newstead Gillins;

A bill (S. 7729) granting a pension to James Valley; and

A bill (S. 7730) granting an increase of pension to John H. Day.

Mr. FLINT introduced a bill (S. 7731) granting an increase of pension to Thomas Radford; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 7732) granting an increase of pension to Elijah H. Bartlett; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 7733) for the relief of the legal heirs of John Goldsworthy; which was read twice by its title, and referred to the Committee on Claims.

Mr. FRYE introduced a bill (S. 7734) granting an increase of pension to William C. Brooks; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 7735) granting an increase of pension to Martha E. Green; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. DOLLIVER introduced a bill (S. 7736) to correct the military record of George R. Borden; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. DICK introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7737) granting a pension to Michael Shaughnessy;

A bill (S. 7738) granting a pension to Eli Conn; and

A bill (S. 7739) granting an increase of pension to Joseph P. Owen.

Mr. STONE introduced a bill (S. 7740) granting an increase of pension to Dwight Simpson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRAZIER introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7741) granting a pension to James W. Russel; and

A bill (S. 7742) granting an increase of pension to James Kennedy.

Mr. FRAZIER introduced a bill (S. 7743) for the relief of the estates of W. M. Purcell and Martha Purcell, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. HALE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7744) granting a pension to Josephine Brackett; and

A bill (S. 7745) granting an increase of pension to Frederick Wood.

Mr. CLAPP introduced a bill (S. 7746) to authorize Western Power Company to construct a dam across the Rainy Lake River; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 7747) for the relief of the Minnesota and Ontario Bridge Company; which was read twice by its title, and referred to the Committee on Claims.

Mr. MONEY introduced the following bills; which were sev-

erally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 7748) for the relief of the estate of Louisa Harper, deceased;

A bill (S. 7749) for the relief of the estate of Rebecca E. Sexton, deceased;

A bill (S. 7750) for the relief of the estate of Jacob Oates, deceased;

A bill (S. 7751) for the relief of the estate of John Housten, deceased;

A bill (S. 7752) for the relief of the estate of M. W. Ham, deceased;

A bill (S. 7753) for the relief of the heirs of Charles T. Alexander and Jane B. Alexander, deceased; and

A bill (S. 7754) for the relief of the estate of Elizabeth Hemphill, deceased.

Mr. PERKINS introduced a bill (S. 7755) granting an increase of pension to Henry T. Powell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MONEY introduced a bill (S. 7756) for the relief of the estate of John F. Byars, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. SUTHERLAND introduced a bill (S. 7757) for the relief of Indians residing in the United States, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. TELLER submitted an amendment authorizing Nicey Haikey, a full-blooded Creek Indian, to sell or encumber her interest in certain lands in the Creek Nation, Indian Territory, etc., intended to be proposed by him to the Indian appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Indian Affairs.

Mr. RAYNER submitted an amendment proposing to appropriate $3,000 for grading and constructing a retaining wall and for miscellaneous work at the post-office at Annapolis, Md., intended to be proposed by him to the urgent deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. SMOOT submitted an amendment proposing to increase the allowance for clerks in the office of the surveyor-general of Utah from $9,000 to $10,000, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. ANKENY submitted an amendment relative to the deposit of moneys in banks to the credit of individual Indians, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. TALIAFERRO submitted an amendment proposing to appropriate $150,000 for the acquisition of not exceeding 50 acres of land near or adjoining Fort Taylor, Key West, Fla., intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. FORAKER submitted an amendment proposing to appropriate $2,000 for the purchase of flags for use on Memorial Day in decorating the graves of soldiers and sailors of the Union Army buried in southern national cemeteries, etc., intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. LODGE submitted an amendment intended to be proposed by him to the omnibus claims bill; which was referred to the Committee on Claims, and ordered to be printed.

ADDRESS BY SECRETARY OF STATE AT KANSAS CITY, MO.

Mr. CULLOM. I ask leave to have printed as a document an address by Hon. Elihu Root before the Trans-Mississippi Commercial Congress, Kansas City, Mo., Tuesday, November 20, 1906. It is a very important document on a very live question just now, and I should be glad to have it printed as a document.

The VICE-PRESIDENT. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 23551) making appropriation for the support of the Army for the fiscal year ending June 30, 1908; in which it requested the concurrence of the Senate.

The message also requested the Senate to furnish the House of Representatives with a duplicate certified copy of an engrossed bill (S. 4926) for the relief of Etienne De P. Bujac, the original bill having been lost.

The message further announced that the House had passed a concurrent resolution requesting the President to return the bill (H. R. 18214) granting an increase of pension to John Ingram; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

H. R. 21202. An act fixing the time for homestead entrymen on lands embraced in the Wind River or Shoshone Indian Reservation to establish residence on same; and

H. R. 21951. An act to authorize the Alabama, Tennessee and Northern Railroad Company to construct a bridge across the Tombigbee River, in the State of Alabama.

GENERAL SERVICE PENSIONS.

The VICE-PRESIDENT. If there are no concurrent or other resolutions, the morning business is closed.

Mr. McCUMBER. I ask the Chair to lay before the Senate Senate bill 976.

The VICE-PRESIDENT. The Chair lays the bill before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 976) granting pensions to certain enlisted men, soldiers, and officers who served in the war of the rebellion, which had been reported from the Committee on Pensions with an amendment in the nature of a substitute.

Mr. McCUMBER. I understand that the Senator from Missouri [Mr. WARNER] is prepared to make some remarks upon the bill at the present time.

Mr. WARNER. The matter was thoroughly presented by the Senator from North Dakota [Mr. McCUMBER], and if the Senate is ready to vote upon the measure I certainly do not wish to occupy a moment of the time of the Senate.

Mr. McCUMBER. I am not prepared to state whether anyone wants to make any remarks on it. I certainly am myself prepared to vote on it, Mr. President, at the present time.

Mr. GALLINGER. Will the Senator from Missouri yield to me for a moment?

Mr. WARNER. I will yield to the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, during the consideration of this bill a few days ago I submitted an amendment making the amount precisely what the Grand Army committee on pensions has heretofore recommended. But since then I have talked with quite a number of Grand Army men in whom I have great confidence, and they have urged that if we are to pass a service pension bill at all it is going to make comparatively little difference in the cost whether the bill is passed in the form originally presented or with the amendment I offered. It will make no difference to start with. It will simply increase the amount slightly as the soldiers grow older and become more incapacitated for earning a living, and I agree that as the soldiers grow old and feeble they ought to be more and more generously cared for.

For that reason, Mr. President, I rise for the purpose of withdrawing the amendment that I offered to the bill, and hope it will pass in its original form.

The VICE-PRESIDENT. The Senator from New Hampshire withdraws his amendment.

Mr. McCUMBER. Then, if the Senate is ready to vote on the bill, I will ask for a vote.

The VICE-PRESIDENT. The question is on agreeing to the amendment in the nature of a substitute reported by the Committee on Pensions.

Mr. SPOONER. Let it be read again.

The VICE-PRESIDENT. The Secretary will read the amendment, at the request of the Senator from Wisconsin.

The SECRETARY. The committee propose to strike out all after the enacting clause and insert:

That any person who served ninety days or more in the military or naval service of the United States during the late war of the rebellion, and who has been honorably discharged therefrom, and who has reached the age of 62 years or over, shall, upon making proof of such facts according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the pension roll, and be entitled to receive a pension as follows: In case such person has reached the age of 62 years, $12 per month; 70 years, $15 per month; 75 years or over, $20 per month; and such pension shall commence from the date of the filing of the application in the Bureau of Pensions after the passage and approval of this act: *Provided*, That pensioners who are 62 years of age or over, and who are now receiving pensions under existing laws, or whose claims are pending in the Bureau of Pensions, may, by application to the Commissioner of Pen-

sions, in such form as he may prescribe, receive the benefits of this act; and nothing herein contained shall prevent any pensioner or person entitled to a pension from prosecuting his claim and receiving a pension under any other general or special act: *Provided*, That no person shall receive a pension under any other law at the same time or for the same period that he is receiving a pension under the provisions of this act: *Provided further*, That no person who is now or shall hereafter receive a greater pension under any other general or special law than he would be entitled to receive under the provisions herein shall be pensionable under this act.

SEC. 2. That rank in the service shall not be considered in applications filed hereunder.

Mr. CULBERSON. Mr. President, I desire to ask the Senator in charge of the bill if this is a unanimous report from the committee.

Mr. McCUMBER. The bill was unanimously reported.

Mr. CULBERSON. There is no minority report, therefore?

Mr. McCUMBER. There is no minority report.

Mr. SPOONER. I believe on a previous occasion the Senator from North Dakota made a statement of the amount involved, but I did not hear his estimate of the increased expenditure under the bill.

Mr. McCUMBER. It is pretty hard to estimate. The estimate was made about a year ago and it is given in the reports. The estimate was that if all would make application at the present time, and would immediately draw the pension, it would be about $10,000,000, as I remember, without taking into consideration the unknown army, which might possibly bring it to $15,000,000. But as the Senator will see it will take some years for the beneficiaries to make their applications.

Mr. CULBERSON. I was not able to hear the inquiry of the Senator from Wisconsin, and I may therefore repeat it to a degree, but I should be glad if the Senator in charge of the bill would tell us about how much in round figures it would increase the pension expenditures of the Government annually.

Mr. McCUMBER. I have just made that statement, but I will repeat it for the benefit of the Senator from Texas. The estimate was made about a year ago. At that time the estimate, without considering the unknown army, was to the effect that if everyone who would be affected by the bill could draw a pension immediately it would amount to about $10,000,000. My own judgment is that it may increase the expenditures from six to seven or eight millions during the coming year.

Mr. CULBERSON. Mr. President, one more inquiry of the Senator. I will ask the Senator if the effect of the bill is not to provide a service pension, pure and simple, after the age of 62 is reached?

Mr. McCUMBER. Upon application. In other words, the pension does not follow as a matter of course, but the claimant must make application to the Bureau.

Mr. HALE. Mr. President, there are no provisions, so far as I can tell by listening to the reading, either regulating or restraining the payment of fees by the pensioner to pension attorneys and agents. This being so easy a process, if the bill is passed, as it will be, it ought not to be left so that the pensioner falls into the hands of a pension attorney and is bled by him to a large extent for fees and services.

I ask the Senator in charge whether the general provisions relating to the protection of the pensioner against pension attorneys are ample to protect the pensioner in the case of this bill, and does the Senator believe that without some provision in this new bill the pensioner, as he must make application, will be left at the mercy of some pension attorney who acts for him? I should like to hear the Senator's views on that point.

Mr. McCUMBER. Mr. President, I am free to say that I consider the law as it now stands upon the statute book in reference to attorneys sufficiently applicable to all cases. But I will not be certain that it is, and I certainly should not object to the insertion of the same provision that is in the law of 1890 and has been in some other law. In the bill in reference to nurses we added it as a special provision, and it can also be inserted in the pending bill.

Mr. HALE. If the Senator, who has all the papers and statutes relating to this matter, can turn to it——

Mr. McCUMBER. I have the laws right here.

Mr. HALE. And will move an amendment I will be very glad to vote for it.

Mr. McCUMBER. If the Senator will grant me a moment I will get it.

Mr. HALE. Certainly.

Mr. McCUMBER. I move as an amendment, upon the suggestion of the Senator from Maine, to add at the end of the bill a new section, which will provide as follows:

That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in securing the introduction of a bill or the passage thereof through Congress granting pension or increase of pension under the provisions of this law.

Mr. HALE. That does not cover it.

Mr. WARNER. It should provide that he should have no fee for presenting the claim to the Bureau of Pensions.

Mr. HALE. Yes; that is all that will be necessary.

Mr. TELLER. I wish to suggest to Senators who have the floor that we are entirely ignorant on this side as to what is going on except that we understand the pension bill is up. That is the only explanation we have had so far.

Mr. HALE. We are trying to perfect an amendment that will protect the pensioner from having an attorney fee exacted of him, and it takes a little time to get at it.

Mr. TELLER. What I want is that the Senators who are occupying the floor and taking part in the proceedings shall speak loud enough to overcome the confusion and noise in the Chamber, so that we may hear something on this side.

Mr. HALE. When we get the amendment perfected, which I think a valuable amendment and one that will command the support of the Senator from Colorado, we will have it read from the desk in a voice loud enough so that every one will understand it. There is a little delay, because we were getting the statutes in order to perfect the amendment.

Mr. TELLER. It is barely possible that we might afford some assistance in preparing the amendment, if we had an opportunity.

Mr. HALE. The Senator will have all the opportunity in the world after it is read from the desk. It may be quite likely an incomplete amendment when it goes there, and I should be very glad to have the assistance of the veteran Senator from Colorado in making the amendment a very good and complete one. The Senator in charge of the bill will present it so that it can be read at the desk, and then all of us can understand it.

Mr. WARNER. I would offer the following, to be added as a new section to the bill:

SEC. —. That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in securing or presenting a pension claim under this act.

Mr. GALLINGER. That covers it.

Mr. HALE. That will cover it.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to add a new section, to be known as section 3, to read as follows:

SEC. 3. That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in securing or presenting a pension claim under this act.

Mr. HALE. Leave out the word "securing."

Mr. McCUMBER. "For presenting."

Mr. HALE. "For presenting to the Pension Bureau a claim under this act."

Mr. SPOONER. Would not that be so broad that it might leave it so that attorneys could not be paid for presenting a claim, but might be paid for securing it?

Mr. WARNER. The words "for presenting or securing" would cover it, according to my idea.

Mr. McCUMBER. As read at first it was correct.

Mr. HALE. I was wrong about it.

Mr. TELLER. I think it might be improved by inserting some provision that they should not recover for any services rendered. It seems to me that that would be better than to say for securing a claim.

Mr. HALE. Let it be read by the Secretary.

The VICE-PRESIDENT. The Secretary, at the request of the Senator from Maine, will again read the amendment.

The Secretary read as follows:

SEC. 3. That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in presenting any claim to the Bureau of Pensions or securing any pension under this act.

Mr. HALE. The word "securing" is there.

Mr. TELLER. That is right.

Mr. McCUMBER. As the Secretary read it the word "and" was used instead of "or." I think "or" should be used, so as to read "in presenting any claim to the Bureau of Pensions or securing any pension under this act."

The VICE-PRESIDENT. The amendment to the amendment will be so modified. The question is on agreeing to the amendment to the amendment as modified.

The amendment to the amendment as modified was agreed to.

Mr. BERRY. I was not present when the Senator from North Dakota spoke upon the bill, and I wish to inquire whether the bill refers alone to soldiers in the civil war, or does it include the Mexican war and the Indian wars?

Mr. McCUMBER. It refers only to the soldiers of the civil war. The Senate has already passed a bill, which is now in the other House, granting to the survivors of the Mexican war

a pension of $20 per month, and special bills have been passed for the benefit of the survivors of the Indian wars. So the pending bill refers only to the veterans of the civil war.

Mr. BERRY. What provision does it make for the Spanish-American war?

Mr. McCUMBER. No provision whatever, because it is not intended to cover those cases. They are all covered by the general law.

Mr. GALLINGER. And are young men.

Mr. McCUMBER. And they are still young men for the most part.

Mr. BERRY. And they have the same rights? This proposed law does not repeal the present law which affects them?

Mr. McCUMBER. It does not.

Mr. BERRY. Does the Senator say that so far as the soldiers of the Mexican war are concerned, he believes they will be provided for at $20 a month?

Mr. McCUMBER. I should certainly hope that that would be the case. The bill has passed the Senate, and, of course, it is in the other House for action.

Mr. BERRY. If, however, the House should fail to pass the bill providing for the soldiers of the Mexican war, then the pending bill would give the soldiers of the civil war more than is now received by soldiers of the Mexican war?

Mr. McCUMBER. It would give those who are above 70 years of age more, but by the bill which has already passed the Senate, pensioning survivors of the Mexican war without reference to age, they will receive the highest amount that could be received under this bill after a claimant has reached the age of 75 years.

Mr. CARMACK. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Tennessee?

Mr. McCUMBER. Certainly.

Mr. CARMACK. What would be the objection to including the terms of the bill now pending in the other House, providing a pension for soldiers of the Mexican war in this bill, thus providing for the soldiers of both wars together?

Mr. McCUMBER. Inasmuch as we had already passed in the Senate a bill providing for the soldiers of the Mexican war, it did not seem appropriate that we should adopt the same provision again before the other House had an opportunity to act upon that bill. We should at least give the other House the opportunity to act upon that bill, and if they then prefer to put that provision in this bill, which probably might be the case, it would be a proper thing for them to do, if they do not wish to pass it separately.

Mr. CARMACK. I should like to offer that as an amendment to this bill.

Mr. BERRY. The Senator from North Dakota [Mr. McCUMBER], as I understand, has stated that the bill pensioning soldiers of the Mexican war was passed by the Senate at the last session.

Mr. McCUMBER. It passed the Senate at the last session.

Mr. BERRY. If I could get a copy of that bill giving soldiers of the Mexican war $20 a month, to save time in preparing the amendment separately, I should like to offer it as an amendment to the pending bill; so that if the bill providing for the soldiers of the Mexican war does not pass the other House and this bill does pass, those soldiers may also be provided for.

Mr. GALLINGER. I will say to the Senator from Arkansas that that is a bill that I introduced and which the Committee on Pensions agreed to. The Senator may get a copy of it by sending to the document room.

Mr. BERRY. I will send for a copy of the bill passed at the last session increasing the pension of soldiers of the Mexican war.

Mr. GALLINGER. Mr. President, inasmuch as I am going to vote for the pending bill, I think we ought to have no concealment in reference to the cost, and I wish to read from a report made by the Committee on Pensions a portion of a letter sent to that committee, under date of March 28, 1906, by the present Commissioner of Pensions, in which he says:

> Referring to your question as to what extent such an act would increase the pension appropriation on account of the pensioners now on the rolls, it would seem that an additional appropriation of $10,714,400 per year would be required to pay the increased rate provided by the bill to the soldiers now on the pension roll.
>
> From an estimate made by the War Department in 1896, it would appear that on June 30, 1906, there will be 782,722 survivors of the civil war, and as the number of pensioners on the rolls at that date will not be over 675,000, there will then be over 100,000 survivors of the civil war not yet pensioned.
>
> This uncertain factor should be taken into account in preparing any estimates as to the number of beneficiaries and the cost of enactment of legislation, but it is manifestly impossible for this Bureau to state even approximately how many of these soldiers would apply for original pension under the bill, and equally impossible to estimate the additional cost that would be produced by such application. It is safe to say that under the terms of the bill at least one-third of the "unknown army"—

That is the 100,000 not on the pension rolls—

> would file applications during the coming year, and that an additional appropriation of $4,000,000 would be required to pay them for the coming fiscal year, making a total cost of the proposed legislation for the year of about $15,000,000.
>
> The same additional amount would have to be added to the pension appropriation for some years; probably five years to come.

The Senator from North Dakota [Mr. McCUMBER] properly says that these men will not all apply at once and that they will not all be granted pensions probably during the first year; so that it is likely that the estimate is somewhat high. Another thing, it was made a year ago, and there has been great mortality among the soldiers since then. The chances are, therefore, that the first cost will be somewhere in the vicinity of $12,000,000; but even if it costs much more than that it ought to be freely granted, as we can not well do too much for the brave men who saved the Government from overthrow.

Mr. McCUMBER. The Senator stated the estimate, as I understood, at $12,000,000 when all of them shall have made their applications.

Mr. GALLINGER. Most of them.

Mr. McCUMBER. Well, that is practically the same as I stated some time ago. Possibly it may run up to $15,000,000.

Mr. TELLER. Mr. President, I myself regret that the committee did not extend the benefits of this pension bill to practically all of the soldiers of the late civil war. It comes nearer being a service pension; and it seems to me it would have been just as well to have made it so. Of course I am not going to interfere with the text of this bill; I am heartily in favor of it; but I am not myself staggered, Mr. President, as some Senators appear to be, at the extraordinary expense of $15,000,000 a year. It may be that much and it may be a great deal more. Our pension list is large, and it has been large. It is a payment in most cases in accordance with the contract by which the soldier entered the Army. The soldier entered the Army with the agreement upon the part of the Government that, if disability occurred to him during the period of his service by reason of such service, he should be pensioned. I have never considered such a pension as a gratuity. I have considered it as a debt as sacred as the public debt, and I believe that is the feeling of the people of the United States. I do not believe you can find any considerable number of people in the United States who are finding fault with the pension list. I do not believe any administration—though I believe it has been attempted in one or two instances—ever derived any benefit from an attempt to decrease or keep down the pension list.

Mr. President, we may never have another war. I hope we may not; yet we may, and in the nature of things I suppose it is very probable we shall have. We will not pay, and no nation ever did, laborer's wages to the men who go to war. We furnished them with their food and clothing during the war, and we gave them, I believe, about $13 a month. During part of that time, Mr. President, the $13 we paid them was worth less than $7 in gold The prices which had to be paid by the soldiers' families at home for the commodities they used went often seven or eight times as high as prices had been when the soldiers entered the service. I might cite a single instance which I looked at the other day. During the war the average price of cotton cloth which was used in the ordinary soldier's family was about 30 cents a yard. It went as high as 45 cents at one time, but on an average the price was 29 cents and a fraction from the time the war began until its close.

Mr. President, that is but a fair sample of the prices of everything which the soldier's family consumed. I know, and you know, that the money paid to the soldier did not support his family at home, and that in a great many cases those families became a public charge, and, if not a public charge, a charge upon their friends and their neighbors. Such at least was the case in the section of country in which I live.

Mr. President, every little while some man foots up the tremendous expense of our pension roll. Those who do that forget to foot up the expenses incurred in war; they forget how very expensive all wars are. Every nation in the world when it goes to war knows that it is to be called upon for a vast expenditure of money.

I do not care, Mr. President, to go into the details of this subject, except to say, as I have repeatedly said here, that no man has a right to complain of the pension roll, and if the passage of this bill should require the expenditure of $15,000,000 a year, or $20,000,000 a year, or $25,000,000 a year, why, Mr. President, that would be a mere bagatelle compared with our vast expenditures, and when you consider the class of some of our expenditures.

Since we have got to be a great nation and a world power we

ought at least to be willing to take care of the men who made us such. It was not the Spanish war that made us such, but when we established the fact that the American flag should float unquestioned and undisturbed over every mile of American territory—that is when we became a world power, Mr. President. We had not been up to that time, though we had been to a great degree even then; but that solidified us and settled the question of American sovereignty and American control of all the territory that we had ever claimed to be ours.

Mr. President, since that time we have been engaged in another war—not a very great war, and yet a war that has brought upon us an expenditure, which, if continued as it has been, will increase in a few years beyond even what the civil war cost. No man here can tell what the Spanish war cost. It cost some things that can not be counted in money. What the aftermath may be no man up to this time is able to say. If we are to take possession of Cuba and control it and exercise power over it, as some insist we must, and we are to continue the control of those islands of the Pacific sea at such a rate of expenditure as has been going on for ten years past, or nearly that, it will not be long before the cost will be greater than even that of the civil war.

Mr. President, I do not myself venture to say what has been the expense of controlling the Philippine Islands, but a few years ago the then senior Senator from Massachusetts, Mr. Hoar, demonstrated on this floor that up to that time—and that was at least five years ago—we had expended $600,000,000, and the senior Senator from Texas, a few months later, demonstrated that we had expended $650,000,000. Mr. Edward Atkinson, a statistician of a good deal of repute in New England and in the United States generally, three years ago or more demonstrated that we had expended $800,000,000 in our efforts to civilize and enlighten the Filipinos. If we continue that effort, it will have cost, on an average, more than $100,000,000 a year since we have raised our flag in the Philippines. Mr. President, no man who stands for that ought to hesitate for a moment to vote for this bill and give to these soldiers of the civil war fifteen, twenty, forty, or even fifty million dollars a year, if they need it.

Mr. President, the State of Colorado, a new State that had no existence as a State until long after the close of the civil war, and hardly an existence as a Territory, supports now within her borders, open to every poor soldier who chooses to seek it, a Soldiers' Home as a place of final habitation of all that come to us. We pay those bills ourselves, and no man, no matter how poor or neglected, who has been in the American Army is obliged to go to a pauper house in that State; and such a man ought not to have to go to such a place in any State in the Union. No community ought to allow an ex-soldier of the Government of the United States, who took part in that great controversy—a controversy, I repeat, Mr. President, of more importance than any other civil war ever fought in the world—no State ought to allow such a man to go to a paupers' home or a poorhouse. This Government is rich enough and ought to be generous enough to give to every old soldier who has passed the age of 62 years, who needs it, enough for a living.

Mr. SPOONER. It ought to be just enough.

Mr. TELLER. It ought to be just enough—that is, the pension should be sufficient to his needs; it ought to be enough to comport with the character of an American citizen and an American soldier, and not a bare pittance to keep him alive.

I have not counted the cost; I do not intend to count the cost; and if any man should demonstrate here that the cost would be fifty or a hundred million dollars, I would say let us economize somewhere else and give to these old soldiers that which they deserve. I believe that an act of that kind would meet with the universal approbation of the intelligence of the American people.

Mr. GALLINGER. Mr. President, in reading from the report of the committee showing the increase of appropriation that would be entailed if this bill should become a law, I had no purpose of raising any objection to the amount, as I then stated. I quite agree with the Senator from Colorado [Mr. TELLER] that if the increased expense involved were a much larger amount the time has arrived for a service pension bill for the survivors of the late civil war, and I also agree with the Senator from Tennessee [Mr. CARMACK] and the Senator from Arkansas [Mr. BERRY] that the time has fully arrived for increasing the pensions of the few survivors—a small remnant—of the war with Mexico.

I introduced a bill some time ago proposing to increase the pensions of those old men to $30 a month. It was amended and passed at $20 a month, and was sent to the House of Representatives. There is a special reason, to my mind, why the soldiers of the war with Mexico should be included in this bill. In the other House they have two committees on pensions. Pension bills growing out of the war of 1812 and the war with Mexico go to one committee and bills relating to the wars since the war with Mexico go to another committee; so that if we pass this bill without including the Mexican soldiers the bills will be in the hands of two committees, and one may be reported out and passed and the other may not.

The Mexican survivors are but a remnant—a very small remnant—of those who fought in that war. In 1905, on June 30, there were 4,540 remaining soldiers of the war with Mexico. That was all.

Mr. CARMACK. How many?

Mr. GALLINGER. Forty-five hundred and forty; and they were dying with great rapidity. Six hundred and eighty of them died during the fiscal year ending June 30, 1905, and in the six months following June 30, 1905, 500 more died. So that it is entirely within the bounds of probability to say that there are not more than 3,000 of those soldiers remaining at the present time. Some of them are on the pension rolls now under special acts at rates ranging from $20 to $30 per month. They are all beyond the age of 75, and if they are included in this bill, they will all get $20 per month. If there are 3,000 of them, the only addition to the bill will be $280,000 to start with, and their pensions will be wiped out in a very few years, probably almost entirely so in five years. So that I hope the amendment, which I understand the Senator from Tennessee [Mr. CARMACK] is to offer to the bill to include the soldiers of the war with Mexico, may be agreed to unanimously, and that it may become a part of the bill.

Mr. CARMACK obtained the floor.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Tennessee yield to the Senator from North Dakota?

Mr. McCUMBER. I ask the Senator to allow me just to make an explanation.

Mr. CARMACK. I yield to the Senator.

Mr. McCUMBER. Mr. President, I merely desire to call attention to the fact that we have just passed a bill through the Senate providing for a pension of $20 to each of the survivors of the war with Mexico. The pending bill was reported last April. Had the bill in regard to the Mexican war veterans run as long as this and been reported at the present time, we would undoubtedly have included the Mexican war veterans within the provisions of the pending bill. I have no objection to the amendment, but am inclined to agree to have it inserted.

Mr. CARMACK. Mr. President, on page 2, line 23, of the bill, after the word "rebellion," I move to insert "or in the Mexican war."

Mr. MALLORY. Mr. President, I should like to call the attention of the Senator from Tennessee to the fact that under the present Mexican pension law the pensioner is required to have served only sixty days. The pending bill requires a service of ninety days. I suggest that the Senator frame his amendment so as to meet that condition.

Mr. CARMACK. I will do that, Mr. President. In the meanwhile, I have another amendment I want to suggest to the chairman of the committee.

Mr. McCUMBER. I should like to have the amendment which the Senator has just offered stated, so that we may see how the bill will read when it is inserted.

Mr. CARMACK. In view of the suggestion of the Senator from Florida [Mr. MALLORY] I will change the amendment so as to read as follows:

That any person who served ninety days or more in the military or naval service of the United States during the late civil war or sixty days in the Mexican war——

Mr. WARNER. Mr. President, I have no objection in the world to, but am heartily in favor of, the amendment for the Mexican war veterans, and hope it will be passed unanimously by this body, but, in order to save this matter, why not, instead of the amendment that is now offered, strike out "ninety" where it occurs in the bill and insert "sixty;" so that the same service provision will apply both to the civil and the Mexican war veterans?

Mr. CARMACK. I was not attempting to change the report of the committee with respect to the soldiers of the civil war, but simply to make the provision with respect to soldiers of the Mexican war conform to the provision of the existing law with reference to them. The law now provides a service of sixty days for soldiers in the Mexican war.

Mr. WARNER. I will say to the Senator from Tennessee that I am not insisting upon my suggestion at all. Personally, I think ninety days is a short enough term of service, but it has been sixty days with reference to the Mexican soldiers. I have no objection to the amendment.

Mr. CARMACK. I leave it sixty days with reference to the Mexican soldiers.

Mr. WARNER. Yes; I understand.

The VICE-PRESIDENT. The Secretary will state the amendment proposed by the Senator from Tennessee.

The SECRETARY. On page 2, line 23, after the word "rebellion," it is proposed to insert the words "or sixty days in the Mexican war," so that, if amended, the paragraph would read:

That any person who served ninety days or more in the military or naval service of the United States during the late war of the rebellion or sixty days in the Mexican war, and who has been honorably discharged therefrom, etc.

Mr. GALLINGER. I suggest to the Senator that he say "the war with Mexico" instead of "the Mexican war."

Mr. CARMACK. I was following the language of the other bill. However, let it read "war with Mexico."

The VICE-PRESIDENT. The amendment will be so modified. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

Mr. BACON obtained the floor.

Mr. CARMACK. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Tennessee?

Mr. BACON. Yes.

Mr. CARMACK. Mr. President, I was going to suggest another amendment, and that is that instead of the "war of the rebellion" it be made to read "civil war." That is the term, I think, usually employed. It would not be my definition of the war exactly—neither expression would—but the term usually employed is the "civil war." It is employed in all official documents, I think, in the President's messages and elsewhere. I move that amendment.

Mr. BACON. Mr. President, that was the amendment which I had risen to offer when I yielded the floor to the Senator from Tennessee.

Mr. OVERMAN. I understood it was the understanding in the committee that the word "rebellion" should be stricken out.

Mr. CARMACK. I call the attention of the chairman of the committee to the amendment I propose.

The VICE-PRESIDENT. The amendment proposed by the Senator from Tennessee will be stated.

The SECRETARY. On page 2, line 22, before the word "war," it is proposed to insert "civil," and in line 23, to strike out the words "of the rebellion."

Mr. BACON. I suggest that the amendment, rather, should be that wherever the words "war of the rebellion" occur in the bill they shall be stricken out and the words "civil war" inserted in lieu thereof. That would include the title and the body of the bill. It occurs several times.

Mr. CARMACK. I do not think it occurs elsewhere.

Mr. McCUMBER. I have no objection to the amendment. The usual term that has been used heretofore was "war of the rebellion."

The VICE-PRESIDENT. The Senator from North Dakota accepts the amendment.

Mr. MONEY. Mr. President, before the Senator accepts that amendment I have a suggestion to make. I think it should be "war between the States," as it was a war between the States. It was in no sense a civil war; it was a war between sovereign States, and if you want historical accuracy, instead of being called "war of the rebellion" or "civil war"—neither of which it was, but a war between the States—it ought to be called by that term. I suggest that the amendment be amended so as to call it the "war between the States."

Mr. CARMACK. I said, Mr. President, in offering this amendment, that I did not offer it as embodying what I considered a correct definition or description of that war; but I was simply conforming to what I believe has been the best practice and the usual descriptive words as employed in legislation and in official documents.

Mr. SCOTT. We can not hear the remarks of the Senator from Tennessee.

Mr. MONEY. I was not criticising the Senator.

The VICE-PRESIDENT. The Senator from Tennessee is not heard.

Mr. CARMACK. I was just saying that in offering this amendment I was not undertaking to give a definition of that war that would be satisfactory to myself. I said that in offering the amendment. But I have no hope that the Senate would accept any definition that I might give. I was simply trying to make the language of the act conform to what I believe has been the best practice in legislation generally and in official documents, notably in the President's messages. The war between the States is usually spoken of, I think, as the civil war. It sounds a little bit better, I think, than "war of the rebellion," though I agree with the Senator from Mississippi [Mr. MONEY] that it was not a civil war any more than it was a war of rebellion.

Mr. MONEY. Mr. President, I did not hear the remarks of the Senator from Tennessee [Mr. CARMACK] when he offered his amendment. I certainly did not intend to criticise his phraseology or his understanding of what the war was, nor do I intend to criticise anybody's understanding of what that war was. I should be quite content to have it "the war of the rebellion." It makes no difference to me. Words do not change facts at all; but as there seems to be an effort here to represent it in the proper way, in language that belongs to it, it ought to have the right name. It should be "the war between the States." It was not a civil war and it was not a war of rebellion. It was a war between sovereign States, and they each carried their own banners, which were captured in war and have been restored.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from North Dakota?

Mr. MONEY. Certainly.

Mr. McCUMBER. I will state, Mr. President, that there could not be the slightest objection to the use of the term "civil war" instead of "war of the rebellion." I think it is probably, at this late day at least, the better term to use. But I can not agree with the Senator from Mississippi [Mr. MONEY] that the designation of "war between the States" would be proper. It was not a war between the States; it was a civil war in every respect. Many of the States had soldiers on both sides, like the State of Kentucky. The State of Kentucky was as much on one side practically as it was on the other.

Mr. GALLINGER. Tennessee and Missouri were the same way.

Mr. McCUMBER. It was in all respects a civil war. The same remark might apply to all the border States, and I am glad for one to adopt the new designation of "civil war."

Mr. TELLER. Mr. President, I do not agree with the Senator from Mississippi [Mr. MONEY] that this was a war between the States. It was a civil war. As stated by the Senator from North Dakota [Mr. McCUMBER], States that were in amity with the Government furnished a very large number of soldiers to the Confederacy. Kentucky, Maryland, and Missouri did so.

Mr. CARMACK. Tennessee.

Mr. TELLER. Tennessee.

Mr. CARTER. North Carolina.

Mr. TELLER. North Carolina. So it can not be said to have been a war between the States.

Then, in addition to that, those warring States, if they were warring States, entered into a confederacy and established a new government. It may possibly be said that it was a war of the Confederacy against the United States, but it was not a war of the States. The war was not conducted by the States.

Mr. President, it is not very material whether you use the term "rebellion" or whether you do not. I insist that the term "rebellion" is a proper term. It describes the condition which existed from 1861 to 1865. It may be an offensive term; and yet it was a rebellion against the Government of the United States. We have called it a civil war. It was a civil war. At first there was a disposition to feel that those people were not entitled to be treated as warriors under the rules of national war. But it was found to be so great a war that they must be so treated. They were so treated by foreign governments, as well as by our own.

When the war closed there was no treaty between the States and the General Government. There was no recognition of State lines at all. In every respect the war was treated as a war of citizens of the United States against the General Government. It will go down in the history of the world as a rebellion of States, in the first instance, because the States did act. Then it became, in the highest sense of the term, a civil war, a conflict between individual citizens of the United States, and upon that theory when the war was over the Republican party declared that each of those States had practically abandoned its organization.

Upon that question I do not care to take much time. I was disposed myself, although an ardent supporter of the war, to believe that we ought to have recognized the existence of the States, upon the theory that the States had not gone out of the Union at all, and that the difficulty had arisen by the action of the individual citizenship of the States and not by the States.

However, the party in power at that time did not so recognize the condition and the States were finally brought back into the Union, as it was said, which, according to my theory, they had never been out of.

I do not think it very important whether we call it the war of the rebellion or the civil war. I do not believe that now or at any other time will we be inclined, or the people of the United States will be inclined, to change the character of the war by declaring it to have been a war between the States. It was a war against the General Government by citizens of the United States who were in rebellion against the authority of the General Government at that time.

Mr. MONEY. Mr. President, I have not a particle of feeling about this matter. As I stated in my remarks, I have no objection to the term "war of the rebellion," if Senators wish to use it. I merely said that if you are going to change the term, you should employ that term which has in its favor the greatest degree of historical accuracy.. It did happen that States withdrew from the Union; that the States raised regiments as States, and that the States appointed officers. It was a war between a number of States in the United States and a number of States in the Confederacy. I do not consider, having been a rebel from start to finish, that there is any particular odium in that phrase. George Washington was a rebel.

Mr. TELLER. Certainly.

Mr. MONEY. And so were all the heroes and patriots who established this Government. Some of them were slaveholders, including George Washington. There is nothing opprobrious in the term "war of the rebellion." If it suits the fancy of Senators to call it by that name, it does not hurt me. I am quite accustomed to it, and I do not mind. But I was simply suggesting phraseology to meet the history of the case better. If Senators want to call it the civil war, they can do so. We contend it was not a civil war. It is quite true that men in Tennessee to the number of 32,000 went into the Federal Army, and I believe every single Southern State, except the State of Mississippi, furnished a regiment to the Federal Army. Mississippi furnished one, which was called the "Tigers." It was not composed of Mississippians, but of the fragments of regiments—the sick and wounded Federal soldiers at Vicksburg. But Mississippi was as wholly rebel, to use a common phrase, as any State could possibly be.

Kentucky and Maryland and Missouri sent the very flower of the Confederate army into the field. The best fighting men I ever saw came from those States, for the reason that they were not compelled to go to the front by local opinion, but went to the front contrary to that opinion, as many of them had to run the lines to get there, and they made all kinds of sacrifices.

I admit that if I had been in Massachusetts I would have been in the Federal Army, and I guess if the Senator from Colorado [Mr. TELLER] had been living in my town he would have been a member of my company; and I am not at all blaming anybody for the attitude he took at that time.

Mr. President, I do not want to take up time, but I happened to be at the door of the lobby of the Senate one day not long ago. It was at the last session, near the close. There was ex-Senator Blair, of New Hampshire, as gallant a soldier as ever went to the field, now on crutches as the result of wounds inflicted by Confederate soldiers. He was shot three or four times. He called to me. I did not recognize him on account of my bad sight. We shook hands. I said: "What are you doing on these sticks, Blair?" He said: "You fellows hit me pretty hard three or four times, and it is beginning to tell on me since I have been getting old." He said: "Did we get you?" I said: "Once; not much." He said: "Are you not glad you got it?" I said: "I do not know. I have not regretted it." He said: "I am glad I was hit." We shook hands. He said: "Any man who was worth being hit ought to have been there either on one side or the other. If you had been in New Hampshire, you would probably have been in my regiment." I agreed that it was a great deal a matter of environment.

I make these remarks to show that I do not care anything about the criticism. I make them merely in the interest of historical accuracy.

Mr. HALE. I rise to a parliamentary inquiry. I wish to ask what amendment, if any, is before the Senate?

The VICE-PRESIDENT. The amendment proposed by the Senator from Tennessee [Mr. CARMACK], which will be stated by the Secretary.

The SECRETARY. It is proposed in line 22, page 2, to insert the word "civil" before "war;" and after "war" to strike out the words "of the rebellion;" so as to read "during the late civil war."

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Georgia?

Mr. HALE. I do not yield the floor.

The VICE-PRESIDENT. The Senator from Maine declines to yield.

Mr. BACON. I wish to correct a statement just made at the desk. I wish to call attention to the fact, for the information of the Senator from Maine, that I moved to amend by striking out the words "war of the rebellion" wherever they occurred in the bill and inserting "civil war."

Mr. CARMACK. I accept that.

Mr. HALE. One object I had in rising was to suggest that wherever in the bill the words "war of the rebellion" occur they be stricken out and the words "civil war" inserted.

Mr. BACON. Mr. President——

The VICE-PRESIDENT. The Senator from Georgia is correct.

Mr. McCUMBER. If I may, I call the attention of both Senators to the fact that the words "war of the rebellion" occur but once in the bill.

Mr. BACON. They appear in the title. So the term does appear twice.

Mr. McCUMBER. It does appear in the title.

The VICE-PRESIDENT. That will have to be amended after the bill shall have been disposed of. The Chair understood the Senator from North Dakota to accept the amendment of the Senator from Tennessee, as modified by the Senator from Georgia.

Mr. McCUMBER. That is accepted.

Mr. HALE. I so understood.

Mr. TALIAFERRO. Mr. President, I wish to state that this language, the "war of the rebellion," is improperly in the bill. As a member of the committee, when the bill was first being considered by the Pension Committee, I suggested that "civil war" should be substituted for "war of the rebellion," and the Senator from North Carolina [Mr. OVERMAN] made the motion that that change be made. The motion was carried in the committee, and "civil war" should appear in the bill instead of "war of the rebellion." I presume that the words "war of the rebellion" got in by some oversight on the part of those copying the bill in the committee. I doubt not the chairman of the committee will recall the fact.

Mr. McCUMBER. Simply replying to the Senator I will say that I remember distinctly that the question was brought up, but I think it was in reference to another bill, and the phraseology was changed then and there. I think the Senator is in error about it applying to this bill. But that was the sentiment of the committee, and if it was applicable to any other bill, it is equally applicable to this, and we accept it now.

Mr. CARMACK. The title of the bill ought to be amended.

The VICE-PRESIDENT. That will come up after the bill is passed.

Mr. CARMACK. Mr. President, I, of course, did not intend to precipitate any debate here on the question of the war of secession. If I had, I would have proposed a very different amendment from the one I offered. I think there is no profit in such discussions. My only object was to have used a term which I believe has become accepted on both sides of the Chamber and has been allowed heretofore to go without debate.

It is needless for me to say that I do not agree with the position taken by the Senator from Colorado [Mr. TELLER] that it was a war of rebellion or a civil war. I do not agree with him as to what history will say about it. But nothing we can put in this bill will change what history will say upon the subject.

I remember reading some time ago Lodge's Life of Daniel Webster, in which the distinguished Senator from Massachusetts said that in the early days of the Republic nobody questioned the right of a State to secede from the Union; that such was the opinion of the very men who framed the Constitution; and I believe that impartial history will say that under the Constitution as it once existed secession was a constitutional right. I am glad that it is no longer a right. It is a doctrine that never will be asserted again and I am very glad of it.

Mr. TELLER. Mr. President, I agree with the Senator from Mississippi [Mr. MONEY] that the term "rebellion" is not a degrading term. I agree with him that George Washington and our other ancestors who fought in the Revolutionary war were rebels against the British Government. My ancestors on both sides—my father and my mother—were there. It was not considered at the close of the late war as a term contemptuous to speak of a man as having been a rebel. When a man rebels he is a rebel. The right to rebel is the dearest right that a freeman has. The right of revolution, which includes rebellion, is all that is left many times, and it is all that has saved liberty to the human race on innumerable occasions. I only wished to have it distinctly understood that the term was descriptive of the act. It has been so for all times, for hundreds of years.

Cromwell and his soldiers were guilty of rebellion against the King, as were other British people on different occasions when the Government of Great Britain has been disturbed by the demands of the people for their dearest and best rights.

When the late war was over we amended our Constitution, and the Senator from Wisconsin calls my attention to it. I had forgotten that the words were in the Constitution, but here they are. We treated it then as a rebellion. I am going to read it:

No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a Member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House remove such disability.

I know that upon various occasions Congress has removed the disabilities, and the people who were named in the acts accepted it.

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions, and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

I do not suppose anybody will on that account attempt to change the Constitution, although the term may be objectionable to some. I do not believe Senators who engaged in the civil war ought to object to being called "rebels" at the time. They are not rebels now. I was not in the Army. The Senator from Mississippi thinks that if I had been in Mississippi I would have been with him. Environment determines those questions to a great extent. I have never brought an accusation against any man who felt it his duty to go into the Confederate army, and I know that men of as high character as there are in the country, or ever were, went into the Confederate army. I accorded to them what the American people accorded to them—honesty of purpose. They were fighting for their convictions. I would have been in the Northern Army if I had remained in the State of Illinois a week or ten days longer. I endeavored, as the records of the War Department will show, to raise a regiment in the State of Colorado, and was told by the Department that we were too far away; that they could not take troops from so great a distance.

I do not know that any good comes from a discussion of this kind—probably it does not—but in the interest of the truth of history it is sometimes necessary to say things that otherwise might be left out.

I wish to say a word or two more. When the war was over, I was one of those who felt—I got the idea from a study of the history of the world—that it was not possible for us to treat our antagonists as public enemies. We could not maintain here a government such as we supposed we were to maintain under our Constitution and laws unless we accorded to them the full rights of citizenship. We did that in a very short time; and no man can charge me with ever hindering or delaying or deferring in the slightest degree that era of confidence and harmony which now exists.

Mr. President, the world will always take notice and the student of history will take notice of the fact that no people ever had a civil war in which the bitterness and hate of it disappeared as they disappeared in this country after the close of that greatest of civil wars of any age in the history of the world. England, with all her civil wars, was torn and disturbed for generations, while to-day there is in one section of our land as much fealty to the flag as in any other, and the men who carried their muskets in battles as Confederates are as loyal to the Government of the United States and its institutions as the men who fought on the side of the Government. They are as proud of our history. They are as proud of our present condition

When we got through, when the war was over, the world had an exhibition of courage and ability such as no nation had ever presented, and no man who is an American need to have been ashamed, if he was a Confederate, of his northern opponent, and no northern man need to have been ashamed of his Confederate opponent. Mr. President, in the history of the world there has never been such a display of courage as was manifested on the battlefields that I could name, not one battlefield, but numerous battlefields. The cold steel, that is seldom felt in battle, was on hundreds of occasions presented to the breasts of the combatants on both sides, and they fought like Americans, and when the war was over they submitted like Americans, and we have been living and will continue to live in all future time as Americans, for that great cause of disturbance, which could only probably have been got rid of by war, no longer disturbs us and there is nothing to prevent the American people, eighty millions of them, from being harmonious and homogeneous. Great as the war was, and as much as it cost, the price was none too great to pay for the final consolidation and conciliation of the American people and the spectacle we now present to the world of a people not divided, but united.

Mr. BACON. Mr. President, I do not desire to say anything on this occasion that would tend in any manner to disturb the very gratifying condition of harmony which exists throughout the Republic or the marked fraternal relations now found among Senators in this Chamber, and I would say nothing at this time but for the fact that for the second time the Senator from Colorado [Mr. TELLER] bases his contention upon what he expresses as his desire that the truth of history shall be spoken and be recorded. It is solely for that purpose that I say a few words upon the subject as to what should be the proper designation of the war.

I think that in this bill the language that has been agreed upon, viz, "the civil war," is the proper language, because it is the generally accepted language. I think the war in some senses was a civil war; in other senses it certainly was a war between the States, and the fact that the victorious party assumed that the result of that war was an overthrow of the government of those States substantiates that view.

But I think in a larger view it was a civil war, and that is the accepted language, and I think it is the proper language to be used in this bill.

But, sir, what I rose particularly to say is that I do not think the term "rebellion" is a proper designation of that war, nor have I any belief or apprehension that history will so record it. If it is not a proper designation the word "rebellion" should not be permitted to remain in this bill. It should be stricken out, and the words "civil war" should be substituted therefor. It is true, as asserted by the Senator from Colorado, that George Washington was a rebel; it is true that Oliver Cromwell was a rebel; but in each instance there was a rebellion against a recognized constituted authority, an effort to destroy by force a theretofore undisputed authority to govern without the consent of those who sought to overthrow it. It was not a resistance to a rule, the authority of which to govern without consent was disputed and had never been conceded. It was in each instance an appeal to force and not a claim of legal right. There is no question of the fact that Washington and all those who cooperated with him owed allegiance to George III and were subjects of George III. There is no doubt about the fact that Oliver Cromwell owed allegiance to Charles I and was a subject of Charles I.

The question out of which what we now designate as the civil war grew was a disputed question from the foundation of the Government; and in that dispute, during the earlier years of the Government, much the larger weight of authority and opinion was on the side that a State could determine whether it would or would not remain in the Union.

There was on the part of the people of the States no recognized or conceded authority of the General Government to compel a State to stay in that Government against its will. On the contrary, as has been stated by the Senator from Tennessee [Mr. CARMACK], in the early years of the Government it was generally conceded directly to the contrary, and it was for years disputed by the few only that the question of the remaining of a State within the Union was a question for the State to determine.

Without going into anything like an extended discussion of the question, I will call the attention of the Senate to a most remarkable incident in the history of this country, one not very generally known, and I confess I have been surprised, since my attention was called to it, that I had not previously known of it.

Some time, I think about the year 1830—I have forgotten the exact year—there was a very remarkable libel case tried in the city of Boston, in which Daniel Webster was the prosecutor and a man whose name I have forgotten, a prominent man, was the defendant. In that suit the prosecution was based on an alleged libel against Daniel Webster, the great advocate of the doctrine of the supremacy of the Union and the great advocate of the maintenance of the Union. There could have been no case in which he could have been more directly interested or in which every utterance must have challenged his attention, because the prosecution—it was not a civil suit, but a criminal prosecution—grew out of an alleged libel against Daniel Webster, charging him with having been in active sympathy with those prominent influences in New England which opposed the war of 1812 and threatened secession on account of that war.

I have a book, unfortunately not now at hand, which was

sent to me by a gentleman in Boston, Colonel Benton, who prepared a history of that libel suit, in which there is not only a narration of the suit, but there are also copious extracts from the record, among other things, of the argument in the court, the opinions of the court, etc., and in the course of it, with Daniel Webster an interested party present, the fact is stated, not as an individual opinion, but as a conceded fact and principle of the Government, I think by the court, or in the argument in the progress of the case, that it was the right of a State to secede; and Daniel Webster present and the proposition having a most material bearing upon the case in which he was so deeply and personally interested, and neither he nor any other person present challenged the statement that such was a generally conceded proposition.

Now, I do not mention that for the purpose of contending that there is now such a right, because that question has been settled by the highest of all tribunals, in the arbitrament of war, but I cite it simply as an illustration of what has been stated by the Senator from Tennessee and repeated by myself, that in the earlier years of the Government, even as late perhaps as 1830—I have forgotten the exact year, but it was subsequent to the Administration of Monroe, I am sure of that—in a case where the great expounder of the Constitution and the great advocate of the Union was so directly interested, that assertion was accepted as true and passed even without challenge by him.

Mr. CARMACK rose.

Mr. BACON. I will yield in a moment, if the Senator will pardon me until I finish the sentence.

Therefore I say that the term "rebellion" is not a proper designation. A rebellion is resistance to an acknowledged authority. A rebel has no claim of right except the right of force. The South claimed the right of law. Mr. President, it was a much greater war than a war of rebellion. It was a great war between the people of the foremost nation now and among the foremost nations then of the earth, on a great question about which they had been divided for nearly a hundred years, in which war there was no resistance to a recognized conceded authority, but in which there was an insistent and a great struggle over the question as to what was the intention of the Government from its foundation. It was a war in support of a claim of legal right—claimed on the one side and disputed on the other. It was a war not of a rebellious faction, but one between two great peoples who were made one indivisible people by the result of that war.

The Senator from Colorado says that every one who was a Confederate soldier should acquiesce in it and be willing to abide by the designation of the war as a rebellion and of himself as a rebel. I was a very humble soldier in that war—a Confederate soldier—and I object to the designation because it is not correct, and not being correct it is more or less offensive.

Mr. President, what the Senator from Colorado has read from the fourteenth amendment, in using the word "rebellion," proves nothing, except that in the heat and tempest and blaze of ill-feeling—I started to say of hate but softened the word—which was imediately consequent upon the war, terms were used, both at the North and South, which were designed to be offensive and odious. The term "rebellion" is odious, and what is odious must be in a degree offensive. But however it may have been as to individuals, that intense ill-feeling did not long continue among the people either North or South. But nevertheless it is proper to say in the truth of history that the South is in no wise responsible for the occurrence of the word rebellion in the fourteenth amendment. That amendment was not adopted in practical fact by legislative bodies, but was written into the Constitution by the swords' point.

I will now yield to the Senator from Tennessee with pleasure.

Mr. CARMACK. The Senator has passed from the point he was on when I wished to interrupt him. I simply wanted to say to the Senator that when I said that in the early history of the country the right of secession was universally conceded, I stated also that that was the opinion expressed in a careful historical work of the senior Senator from Massachusetts [Mr. LODGE].

Mr. BACON. That is correct. I had intended to mention that, and I am glad that the honorable Senator from Tennessee has suggested it in this connection.

Mr. President, we are now engaged in no discussion which involves any acrimony or ill feeling, and nothing is further from my purpose than to utter any word which can arouse such feeling, but I want to call the attention of the Senate to another fact connected with the war which illustrates the position that it was not a rebellion. Search history and find a case where at the conclusion of a great rebellion there was perfect acquiescence thereafter, especially by any great, vast number of people as those were who were concerned in that war, and without the slightest effort thereafter by even any small fragment of such people to revive the struggle.

I wish to call the attention of the Senate—and I am glad in this high place and in this presence to do it, in order that it may go out to the country and to the world—to the fact that from the day Lee surrendered at Appomattox to the present day, among all the millions of people who were on the side of the South, people who could not have been more earnest and intense than they were in that struggle, people who had sacrificed every material interest, people who had sacrificed with lavish prodigality things which were infinitely dearer and immeasurably more precious than any material interests, and who would have sacrificed still more if there had remained more to sacrifice—among all those people, in not one single instance, even in any remote out-of-the-way corner, has there ever been heard a whisper of a conspiracy to revive that struggle or to renew the contest. Rebels are never conciliated under defeat. They submit to superior force, but they watch for the recurrence of the opportunity to again strike a blow for its overthrow.

The fact to which the Senator from Colorado alludes as a most remarkable fact, as to the absolute conciliation, the perfect restoration of harmony between the people of the North and the people of the South being unexampled in the history of the world, a restoration as complete as it is prized both by the South and the North, is due to the fact that it was not a rebellion. It is due to the fact that it was a struggle, a gigantic, titanic struggle over the great fundamental question of this Government about which our people had been divided from its foundation, which could only be finally settled by war and which when so settled was regarded as settled forever. If there had been a rebellion, there would have been mutterings thereafter. There would have been conspiracies thereafter. There would have been in this locality or that locality movements for restorations, or rather for a revival of the contentions which had led to the struggle. There would have been secret bands here and organizations there keeping alive the embers of war with the purpose to again fan them into a fierce and destructive blaze. But on the contrary, having been a fair, square, stand-up fight between the people of the two sections as to the construction of the powers of the Government upon this great fundamental question whether the Union was or was not devisible, when that fight was ended the result was accepted by all the people of the South as a finality, and there was no more of the spirit which would have remained or of the action which would have followed if it had been simply a rebellion. It was a much greater war than a rebellion. It was a gigantic war under the shock of the battles of which the earth quaked and the very mountains rocked. It will not rank in history with rebellions. As I have already said, it was a war between two great peoples, made two peoples by the existence of the war, but by the result of that war made forever one great indivisible people and nation. We have had rebellions in this country; the whisky rebellion, and Bacon's rebellion, and two or three little things of that kind. They are properly called rebellions because they were rebellions against constituted, recognized, and conceded authority, dependent upon no consent of those who resisted such authority. This was a great war between contending parties on questions upon which there always had been a difference, and in support on each side of legal right, as claimed by one and the other.

Now, Mr. President, I would not say anything to revive any ill feeling as to what happened after the close of that war. There are some things I might say, but I refrain. I am glad that it is all over, and I am willing for it to be buried with the past, and, if remembered, to be remembered only to be forgiven, whatever there may have been of wrong on either side. It is true, as stated by the Senator from Colorado, that there has been perfect reconciliation, and I thank God for it. It is true that those who fought over what they considered to be the right on their side on a great question of difference now recognize that question as settled, and that there are no more loyal people under the flag than those who sought to set up a separate government under what they conceived to be their right, and in advocacy of their side of that controversy which had lasted from the foundation of the Government.

I think it is necessary, Mr. President, to say this much, not for the purpose of reopening any of the contentions of the past, but because if we had passed by what the Senator from Colorado has said as constituting the truth of history not only would it have been the tacit recognition of a statement which we deem to be incorrect in law and fact, but it might have led to a conclusion on the part of others that there was acquiescence in the correctness of such statement by those of us whom it most deeply concerns.

Mr. SCOTT. Mr. President, only a word.

In my State of West Virginia, at the battle of Rich Mountain, a Confederate soldier was killed. He was taken to his little mountain home and the friends gathered to give him proper burial in the churchyard. He was buried with the Confederate flag wrapped around his coffin.

In 1898, in the war with Spain, his son enlisted and was a volunteer under the flag of the United States. He went to Cuba and was killed at the battle of San Juan. His body was brought home to the same little cabin from which his father had been carried out some forty years before, and the neighbors gathered about the body of that young man and he was buried in the churchyard with his father. Wrapped about his coffin was the flag of a united country—the Stars and Stripes.

I believe there is not a Senator on the other side who will not agree with me that the difference between the States is represented in those two graves where the father and the son were buried, and where the friends gathered about those two graves in that country churchyard, each having died believing that he was right.

I believe that my friends on the other side agree that this bill is a proper measure to be passed. Now, let us pass it; let us get results, and let us bury the past as the father and son were buried in the country churchyard of West Virginia.

Mr. PATTERSON. Mr. President, the purpose I have in rising is to have some change made in the phraseology of a part of the first section, on page 3, line 20. I think the word "receiving" ought to be inserted after the word "now."

Mr. McCUMBER. I did not understand the Senator. At what point in the bill does he desire to make the change?

Mr. PATTERSON. On page 3, line 20, the word "receiving" ought to be inserted after the word "now," so that it will read:

That no person who is now receiving or shall hereafter receive a greater pension, etc.

Mr. McCUMBER. That is correct, Mr. President.

The VICE-PRESIDENT. The Secretary will state the amendment proposed by the Senator from Colorado to the amendment.

The SECRETARY. On line 20, page 3, after the word "now," it is proposed to insert the word "receiving," so as to read:

That no person who is now receiving or shall hereafter receive, etc.

The amendment to the amendment was agreed to.

Mr. PATTERSON. Mr. President, I wish to state that the part of the section that commences on line 20 to the end of the section is somewhat obscure to me. I am not certain as to its meaning, and I wish to call the attention of the chairman of the Committee on Pensions to the matter that troubles me. It reads:

That no person who is now or shall hereafter receive a greater pension under any other general or special law than he would be entitled to receive under the provisions herein shall be pensionable under this act.

Is it meant that if a person now receiving a pension greater in amount than is provided for in this act he will not be pensionable under this act?

Mr. McCUMBER. That is the intention, that he will draw his pension under the other act.

Mr. PATTERSON. Suppose he is now receiving a lesser amount under another act, would this permit him to receive a larger amount than he is now receiving?

Mr. McCUMBER. Then he can receive under this law the highest amount that he will be entitled to, according to his age.

Mr. PATTERSON. That is, he may be pensioned under this act and yet apply for a higher pension under another act, and when he receives the higher pension he ceases to draw the pension under this act?

Mr. GALLINGER. That is right.

Mr. McCUMBER. Yes, sir; that is the understanding and the intention.

Mr. PATTERSON. I think it was well enough to make that clear, because otherwise there might be some doubt as to the meaning.

I wish to say, Mr. President, that as far as I am concerned I am heartily in favor of this measure, and that to my mind the passage of this bill through the Senate is an exhibition of the very highest quality of patriotism. The Senators from the North and the Senators from the South have differed upon names, but if I can judge from the expressions that have come from this side of the Chamber, when this measure is put to a vote every Senator from the South will be found joining with the Senators from the North in paying a high tribute of their regard and respect to the soldiers of the North who combated their people on the field of battle and by whose bravery and devotion to the cause of the Union the South lost the cause that to them at that time was so dear to their hearts. I think it is an exhibition of patriotism (and no other word would express it in my opinion) that is rarely found in legislative assemblies under conditions like this.

Mr. President, I wish to say one word about the name that should be used to designate what is called by some the war of the rebellion and by others the civil war. To my mind, if the purpose is to be historically accurate, it would be designated the war of secession, because what the South contended for was the right of their States to secede from the national compact. Prior to the war the people of the several Southern States met in convention and adopted ordinances of secession, and in pursuance of those ordinances their Senators withdrew from this Chamber in couples and their Representatives, as a rule, withdrew from the other Chamber en masse. It was a war to establish the right of secession, and if the war had been successful, it would have simply established that under the compact, or the Constitution, States had a right to secede, and in pursuance of that right thirteen of the States had seceded from the Union and had established a separate and independent government.

The war was in the nature of a rebellion, and to a certain extent it was a civil war, but in the broad sense, in the full sense, it was a war of secession. When the South lost the war, when the National Government succeeded as against the government that was set up in the Southern States, what was established was that the States could not secede and had no right to secede.

The result of it is, Mr. President, that we find the Southern States restored to the Union, with their geographical limits undisturbed, except in the case of one State, Virginia, that was divided into two States during the existence of the rebellion. The relations of the States to the General Government have not been changed in the slightest degree. The decision was that they could not secede. Therefore they did not secede, although the effort was made to secede. And when the war ended, after certain preliminaries that were essential in a proper settlement of the trouble, after the end of armed conflict upon the field, the States were restored to their orbit in the Union, and they are there to-day; and, as the Senators from the South say, that was a settlement that is to continue forever.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting pensions to certain enlisted men, soldiers, and officers who served in the civil war and in the war with Mexico."

HOUSE BILL REFERRED.

H. R. 23551. An act making appropriation for the support of the Army for the fiscal year ending June 30, 1908, was read twice by its title, and referred to the Committee on Military Affairs.

ETIENNE DE P. BUJAC.

The VICE-PRESIDENT laid before the Senate the request of the House of Representatives to furnish a duplicate certified copy of an engrossed bill of the Senate (S. 4926) for the relief of Etienne De P. Bujac, the original having been lost, and by unanimous consent the request was ordered to be complied with.

JOHN INGRAM.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution from the House of Representatives; which was considered by unanimous consent and agreed to:

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return the bill (H. R. 18214) entitled "An act granting an increase of pension to John Ingram."

SENATOR FROM UTAH.

Mr. BURROWS. Mr. President, the junior Senator from Illinois [Mr. HOPKINS], a member of the Committee on Privileges and Elections, is compelled to be absent from the Chamber for several days and desires to address the Senate before his departure upon Senate resolution 142, relating to the right of the Senator from Utah to a seat in this body. I ask therefore that that resolution may be laid before the Senate to enable the Senator from Illinois to make some remarks.

The VICE-PRESIDENT. The Secretary will read the resolution reported from the Committee on Privileges and Elections, called up by the Senator from Michigan.

The Secretary read the resolution as follows:

Resolved, That Reed Smoot is not entitled to a seat as a Senator of the United States from the State of Utah.

Mr. CULLOM. Before my colleague proceeds, I wish to state that I gave notice yesterday morning I would call up the legislative, executive, and judicial appropriation bill this morning immediately after the routine business. I was prevailed upon by the Senator from North Dakota [Mr. McCUMBER] to yield to

him, as he had previously given notice of a desire to dispose of the service-pension bill and unanimous consent had been given to him to have the bill brought before the Senate to-day. I therefore yielded, although I think the appropriation bill would have a preference even under those circumstances. My colleague now appeals to me. In view of the fact that he is compelled to go away, I will yield to him for the purpose of addressing the Senate upon the resolution reported by the Senator from Michigan [Mr. BURROWS]. But I give notice that if my colleague gets through before night I shall call up the appropriation bill and ask the Senate to proceed with its consideration.

Mr. HOPKINS. Mr. President, in determining the question whether REED SMOOT is entitled to a seat in the Senate of the United States from the State of Utah, it is necessary, as it seems to me, to first learn what power, if any, the Senate of the United States has over the State of Utah in the selection of the men whom that State sends to this body to represent her in all matters of legislation.

Can the Senate fix the qualifications of the Senators of any State in this Union?

Can this body arbitrarily determine the eligibility of its members from the different States?

Are there no constitutional or other limitations upon the Senate in arriving at the eligibility of a United States Senator from Utah who presents his credentials here under the seal of the State which he is authorized to represent in this legislative assembly?

The States, before the adoption of the Federal Constitution, were independent sovereignties. That great instrument which now unites what would otherwise be forty-five separate and independent sovereignties provides the qualifications of a Senator from any one of these States. Paragraph 3, section 3, Article I, of the Constitution reads as follows:

> No person shall be a Senator who shall not have attained to the age of 30 years and been nine years a citizen of the United States, and who shall not when elected be an inhabitant of that State from which he shall be chosen.

All who are familiar with the Madison papers containing debates on the Federal Constitution will remember that that language was adopted after a most extended and learned debate in the Constitutional Convention of 1787. Some of the best legal minds in the Convention were opposed to placing any qualifications in the Constitution regarding either Representatives or Senators. They proposed to leave it to the States to determine the qualification of the men whom they would send to either branch of Congress. Mr. Dickinson, in the course of the discussion, said that he was against any recitals of any qualifications in the Constitution; it was impossible to make a complete one, and a partial one would, by implication, tie up the hands of the legislature from supplying omissions. Mr. Wilson, of Pennsylvania, whose remains were recently removed from North Carolina to the State of Pennsylvania, after nearly a hundred years reposing in the soil of a foreign State, in the debate that resulted in the adoption of the language that I have just quoted from the Constitution, said:

> And besides a partial enumeration of cases will disable the legislature from disqualifying odious and dangerous characters.

Mr. Madison, however, sometimes called "the Father of the Constitution," took a directly opposite view. He contended that the qualifications of United States Senators should be stated in the instrument that created such officers, and stated that to leave it to the legislature would vest an improper and dangerous power in such a body. He held that "the qualifications of the elector and elected were fundamental articles in the republican government and ought to be fixed by the Constitution." It was his opinion, drawn from experiences of other countries and especially that of England, that that power, left in the hands of the State legislatures, might by degrees subvert the Constitution.

I call Senators' attention to the debates in the Constitutional Convention to show that the language that was ultimately adopted was not expressed as we find it in the Constitution without due deliberation and careful thought on the part of the framers of that great instrument; and that the construction that they placed upon it was that the qualifications called for in the instrument itself negatived the idea that any other qualifications could be exacted either by the Senate itself or by any one of the States.

Paragraph 1 of section 5 of Article I reads as follows:

> Each House shall be the judge of the election returns and qualifications of its own members, etc.

It has sometimes been contended that the language broadens the power of the Senate in determining the eligibility of a member and enables it to fix whatever qualifications, in the judgment of the particular Senate, shall be deemed proper and just. This construction, as it seems to me, is not sound when we come to examine carefully the language of section 5 of Article I of the Constitution.

In section 2 of Article I of the Constitution the qualifications of a Senator are given and section 5 only goes to the extent of clothing the Senate with the sole power of determining whether those qualifications have been complied with. In other words, section 5 of Article I precludes the idea that a contestant for a seat in the United States Senate could successfully claim before any of the courts of the country, either State or Federal, that his successful competitor for the position of United States Senator was not, for example, 30 years of age, or that he had not been nine years a citizen of the United States or that at the time that he was elected United States Senator he was not an inhabitant of the State from which he was chosen.

Section 5 places the power entirely in the Senate of the United States to determine whether these qualifications have been complied with; and whatever a court might say respecting any one of the questions above enumerated, the Senate itself would not be hampered by any such decision, but could have these qualifications inquired into and itself determine whether the Senator is eligible under those qualifications.

The Federalist has ever been regarded as entitled to great weight in determining the proper construction of the different sections and articles of the Constitution which are discussed in that great work. No. 60 of the Federalist, which was written by Alexander Hamilton, places the same construction upon the qualification of Senators for which I here contend, and asserts that no other or different qualifications than those can be exacted. In speaking upon this subject, he said:

> The truth is that there is no method of securing to the rich the preference apprehended but by prescribing qualifications of property, either for those who may elect or be elected. But this forms no part of the power to be conferred upon the National Government. Its authority would be expressly restricted to the regulation of the times, the places, the manner of elections. The qualifications of the persons who may choose or be chosen, as has been remarked upon other occasions, are defined and fixed in the Constitution and are unalterable by the Legislature.

Text writers and many of the courts of last resort of the several States have held to this construction. In the case of Thomas *v.* Owens (4 Md., p. 223) the court says:

> Where a constitution defines the qualifications of an officer it is not within the power of the legislature to change or superadd to it unless the power be expressly or by necessary implication given to it. It is a fair presumption that where the Constitution prescribed the qualification it intended to exclude all others. (Paschal's Annotated Constitution, second edition, p. 305, sec. 300.)

The Hon. John Randolph Tucker, for many years a Member of Congress from the State of Virginia, and always regarded as a great authority on the Constitution, in a work of his which has been published since his death, called "Tucker on the Constitution," in speaking on this very topic, said:

> Nor can the Congress nor the House change these qualifications. To the latter no such power was delegated, and the assumption of it would be dangerous as invading a right which belonged to the constituent body and not to the body of which the representative of such constituency was a member. (Tucker on the Constitution, p. 394.)

Mr. Justice Story is one of the first and greatest authorities on the Constitution of the United States. His works have been quoted in this country and in England as of the highest authority on the different questions that he discussed relating to the Constitution of the United States. In speaking of the qualifications for office, he said:

> It would seem but fair reasoning upon the plainest principles of interpretation that when the Constitution established certain qualifications as necessary for office it meant to exclude all others as prerequisites. From the very nature of such a provision the affirmation of these qualifications would seem to imply a negative of all others. (Story on the Constitution, sec. 625.)

Foster on the Constitution is a work that deservedly ranks well with all students of the Constitution. He says:

> The principle that each House has the right to impose a qualification upon its membership which is not prescribed in the Constitution if established might be of great danger to the Republic. It was on this excuse that the French directory procured an annulment of elections to the council of five hundred, and thus maintained themselves in power against the will of the people who gladly accepted the despotism of Napoleon as a relief. (Foster on the Constitution, p. 367.)

Indeed, Mr. President, I think I am justified in saying that every lawyer of standing and every student of constitutional history of any learning has admitted that neither the Senate, Congress, nor a State can superadd other qualifications for a Senator to those prescribed by the Constitution.

It has ever been held, both in and out of the Senate, that the States could be trusted to send fit and proper men to this body. The Constitution fixed the age limit at a period where the Senator would have experience and matured judgment. His citizenship was fixed at a period sufficiently long to thoroughly familiarize him with the institutions of our country, and the fact that

he must be an inhabitant of the State from which he is chosen provided against any influence outside of the State limits in selecting other than a citizen of the State.

In the earlier days of the Republic Senators were called and regarded themselves as ambassadors from the States they represented in this body, and met here as such to confer respecting legislation that would result in benefit to their common country.

The thirteen separate sovereign States that had recently gained their independence from England would any one of them have scorned the idea that Senators whom they selected to represent them could have qualifications other than those prescribed by the Constitution, fixed by the legislative body to which they were elected and were to become a part. Virginia did not consult Massachusetts as to the character or fitness of her Senators to represent the great State of Virginia in the first Senate that assembled under the Constitution of the United States, and when Massachusetts came to select her representatives in this great body she did not consult South Carolina as to whether that State or the Senate itself would be satisfied with the character and quality of men whom the old Commonwealth of Massachusetts had designated to represent her in the first Senate that assembled under the Constitution. They met, as I have already said, in the spirit that they were ambassadors from the State whose credentials they held, and while they legislated for the common good they never forgot in any of their deliberations the interests of the States that had honored them by selecting them as their Senators.

The power that is given the Senate under the Constitution is not to create Senators, but to judge of their qualifications. The States create the Senators. The qualifications to be judged are those, as I have already stated, prescribed in the Constitution itself. If the Senate find those qualifications exist in the applicant for a seat in this body from any given State, then, under all precedents, such Senator is entitled to take oath of office and take his place among the members of this great legislative body.

Senators, as such, are not civil officers of the Federal Government. It has been held ever since the adoption of our Federal Constitution that Senators are officers of the States. The Federal Government does not send them here to legislate for it; it has no power or authority, as such, to designate a single member of this body. It is utterly powerless to create the office of a United States Senator, and it is equally powerless to require any one of the States of the Republic to designate any particular individual as a Senator from such State.

The Federal Republic is a nation of delegated powers, and among these powers that are thus delegated by the several States to the Federal Government is not found anything relating to United States Senators. The States alone send Senators to this body to legislate for them and for the Federal Government. This doctrine, Mr. President, is not new; it was announced by this very body more than a hundred years ago, in the case of William Blount, of Tennessee. The history of this case is familiar to many of the Senators. He was a Senator from the State of Tennessee from 1796 to July 8, 1799. During that period it was claimed that he engaged in treasonable correspondence with a foreign nation and was guilty of a high misdemeanor. Articles of impeachment were voted against him by the House of Representatives and duly presented to the Senate of the United States, and Mr. Blount was called upon to make answer thereto. He employed as his counsel Jared Ingersoll and Alexander J. Dallas, of Philadelphia, two of the most distinguished constitutional lawyers in the United States. They were men who were in the forefront of their profession and whose learning and ability would make them leaders of the bar of the United States at any period in its history. They had made a careful study of the Constitution of the United States, and when they presented Mr. Blount's defense in answer to the articles of impeachment presented by the House of Representatives, they interposed in his behalf the following plea:

> That although true it is that he, the said William Blount, was a Senator of the United States from the State of Tennessee at the several periods in the said articles of impeachment referred to, yet that he, the said William Blount, is not now a Senator and is not, nor was, at the several periods so as aforesaid referred to, an officer of the United States, nor is he, the said William Blount, in and by the said articles charged with having committed any crime or misdemeanor in the execution of any civil office held under the United States or with any malconduct in civil office or abuse of any public trust in the execution thereof.

This plea, Mr. President, was interposed to the articles of impeachment which charged him with this misdemeanor of the treasonable character that I have already referred to while he was a Senator of the United States. His learned counsel by this plea raised the very point that I have briefly discussed—that as a Senator of the United States from the State of Tennessee he was not an officer of the United States, and therefore that the Senate had no jurisdiction to try his case.

He also interposed a further defense, as follows:

> That the courts of common law of a criminal jurisdiction of the State wherein the offenses in the said articles recited are said to have been committed, as well as those of the United States, are competent to the cognizance, prosecution, and punishment of the said crimes and misdemeanors if the same have been perpetrated, as is suggested and charged by the said articles, which, however, he utterly denies.

It will thus be seen, Mr. President, that in formulating his defense these eminent lawyers took the position that the Senate of the United States had no jurisdiction to try him for the crime charged.

These defenses were argued at length by the learned counsel who represented Mr. Blount and were discussed by the Senators themselves. The two propositions that were advanced by Mr. Dallas and argued at great length and successfully are as follows:

> First. That only civil officers of the United States are impeachable and that the offense for which an impeachment lies must be committed in the execution of a public office.
>
> Second. That a Senator is not a civil officer, impeachable within the meaning of the Constitution, and that in the present instance no crime or misdemeanor is charged to have been committed by William Blount in the character of a Senator.

I have not the time nor inclination on this occasion to follow at any length the arguments that were made pro and con upon the propositions raised by Mr. Ingersoll and Mr. Dallas, as stated by me here. It is sufficient to know that weeks passed, and after this full and elaborate argument, and the Senate of the United States, sitting as a court of impeachment, had fully deliberated on the question, on the 11th of February, 1799, determined as follows:

> On motion it was determined that—
>
> The court is of the opinion that the matter alleged in the plea of defendant is sufficient in law to show that this court ought not to hold jurisdiction of the said impeachment and that the said impeachment is dismissed.
>
> Monday, January 14. The court being opened, the parties attending and silence being proclaimed, judgment was pronounced by the Vice-President as follows:
>
> "Gentlemen, managers of the House of Representatives, and gentlemen of counsel for William Blount: The court, after having given the most mature and serious consideration to the question and to the full and able arguments urged on both sides, has come to the decision which I am now about to deliver.
>
> "The court is of opinion that the matter alleged in the plea of the defendant is sufficient in law to show that this court ought not to hold jurisdiction of the said impeachment, and that the said impeachment is dismissed."

From that day to this it has never been seriously contended that a United States Senator is a civil Federal officer of a character that would enable the Senate to impeach him for high crimes or misdemeanors for any act of his during his service as such Senator.

A Senator is amenable to the courts of the country for any crime the same as any other citizen; and, as was contended by Mr. Ingersoll and Mr. Dallas in the Blount impeachment case, the proper forum to try a Senator for a crime or misdemeanor is in the State or Federal courts.

That a State can not add any qualifications other than those prescribed by the Constitution of the United States has been decided repeatedly by this body. One of the notable cases was that of Lyman Trumbull, of Illinois, my predecessor in office. Mr. Trumbull was elected a Senator from Illinois and took his seat in this body on the 4th day of March, 1855. A protest was filed by certain senators and representatives of the legislature of the State of Illinois against his election as a United States Senator, and the question of his eligibility and his right to hold a seat in the Senate of the United States was referred to the Committee on Privileges and Elections of the Senate.

The protestants in the case of Senator Trumbull alleged that he was elected a judge of the supreme court of Illinois in June, 1852, for a term of nine years; that he was duly commissioned and entered upon the discharge of his duties as such judge; that in May, 1853, he resigned this office to take effect July 4, 1853; and that on February 8, 1855, he was elected to the Senate of the United States for the term beginning March 4, 1855.

The constitution of the State of Illinois at that time provided:

> The judges of the supreme and circuit courts shall not be eligible to any office of public trust or profit in this State or the United States during the term for which they are elected, nor for one year thereafter; all votes for either of them for any elective office except that of judge of the supreme or circuit courts, given by the general assembly or by the people shall be void.

Under this clause of the constitution the protestants insisted that Judge Trumbull was ineligible for the office of United States Senator. This question was carefully considered by the Senate, and after elaborate debate on the question as to whether the State of Illinois could superadd a qualification to that con-

tained in the Constitution of the United States, it was determined by a vote of thirty-five to eight that the State could not; and the resolution offered by Senator Crittenden, as follows—

Resolved, That Lyman Trumbull is entitled to a seat in this body as a Senator elected by the legislature of the State of Illinois for the term of six years from the 4th of March, 1855—

was adopted by a vote of thirty-five to eight.

It is interesting to note, Mr. President, the men who voted in favor of seating Senator Trumbull under the conditions that I have briefly and imperfectly expressed. Those who voted in favor of the resolution that Senator Trumbull was entitled to a seat in this body are as follows:

Adams, Allen, Bell of Tennessee, Bright, Brown, Butler, Cass, Collamer, Crittenden, Dodge, Durkee, Evans, Fessenden, Fish, Foote, Foster, Geyer, Hale, Hamlin, Harlan, Houston, Hunter, James, Mallory, Mason, Pearce, Reid, Rusk, Sebastian, Seward, Sumner, Toucey, Wade, Wilson, and Yulee.

The Senate will note that some of the greatest lawyers of the age and some of the most distinguished statesmen whose lives grace the history of our country voted in favor of the proposition that Senator Trumbull was entitled to his seat. In the course of the debate on this resolution Senator Crittenden said:

We are to look to the Constitution of the United States for the whole frame of this Government. It has created all the powers and all the instruments of this Government. It has created the Senate. Before this creation neither the State of Illinois as such nor any other State in the Union had any power to elect a Senator. There was no such office to be filled by them as Senator of the United States. Their agency was simply employed by the Federal Constitution. The agency of the legislatures of the several States was employed to elect Senators who constitute this body. It is an all-important branch of the Government. The designation of the power that was to elect, the designation of the persons qualified to be elected, all entered into the very essence of the subject. All this was to have its influence on this Government. All and every single circumstance of this was to have its influence in connecting the State governments and the General Government and in connecting them in such a way as to preserve that species of political relations between them which it was thought would operate most advantageously to all.

This was the view of the framers of the Constitution of the United States. It was a subject for them whether the legislature should elect Senators, whether the people should elect them, or whether the governors of the several States should appoint them. All this was within the competency of the framers of the Constitution. Neither people nor governors nor legislatures had previously any power to elect or appoint a Senator. There was no such officer; there was no such power. The whole was a new creation. The Constitution determines that the power to choose Senators shall be in the legislatures of the several States. The power to elect Senators was committed to the legislatures. Who shall they be, was the next question. The question was how to designate a Senator by some prescribed qualification, so as to fix the class from which he should come. Shall he be a man who is required to possess any particular amount of fortune? Shall he be a man who must be subjected to some religious test? Of what age shall he be?

Were not all these points fairly presented to the framers of the Constitution of the United States? Were they not important questions to be acted upon and decided? They were framing the Government. The Constitution of this body was an essential part of the Government. That was to depend on the parties, or the condition of the parties, out of whom they would make this great council of the nation. Should he be a citizen? Might they select him anywhere? Should he be an inhabitant of his State? Might he be of any age?

All these subjects being considered, the Constitution of the United States decides upon the whole matter by providing that each Senator shall be of the age of 30 years, shall have been at least nine years a citizen of the United States, and shall be an inhabitant of the State from which he is chosen.

Now, sir, does this not embrace the whole subject? Does it not regulate the whole subject? According to the plain meaning of the Federal Constitution every inhabitant of a State, 30 years of age, who has been nine years a citizen of the United States, is eligible to the office of Senator. What more can be said about it? It is now supposed by those who contend that Mr. Trumbull is not entitled to his seat, that it is competent for a State, by its constitution—and I suppose they would equally contend by any law which the legislature might from time to time pass—to superadd additional qualifications. The Constitution of the United States, they say, has only in part regulated the subject, and therefore it is no interference with that Constitution to make additional regulations. This, I think, it will be plain to all, is a mere sophism, when you come to consider it. If it was a power within the regulation of, and proper to be regulated by, the Constitution of the United States, and if that Constitution has qualified it, as I have stated, prescribing the age, prescribing the residence, prescribing the citizenship, was there anything more intended? If so, the framers of the Constitution would have said so. The very enumeration of these qualifications excludes the idea that they intended any other qualifications. That is the plain rule of ordinary construction; but, for a reason above all technical considerations, it is applicable here. The object of the Federal Constitution was to have a body framed by a uniform rule throughout the United States, coming here to constitute this great council of the country—coming here by the agency of the same elective power, the State legislatures—coming here under the same requirements and with the same qualifications—and standing here upon a perfect and exact equality in all respects to represent the nation justly and equally, and with a sole regard to the common welfare of the Republic.

This argument of Senator Crittenden has been held sufficient to forever put at rest the idea that a State could add any qualifications to that of a Senator of the United States other than those prescribed in the Constitution of the United States, and since then men who have been disqualified under the constitution of their States have been repeatedly elected to this body and admitted to a seat and a share in its deliberations without question.

My distinguished colleague, who has so long and so honorably represented Illinois in this body, when he first came here as a Senator from Illinois, was laboring under this same alleged disqualification that was urged against Senator Trumbull, but his right to his place in the Senate here was never questioned by any member of this body.

So, Mr. President, I think it is unnecessary for me to multiply cases demonstrating the fact that the individual States have no power to add any qualification to a Senator other than that prescribed in the Federal Constitution. It is equally clear, in my judgment, Mr. President, that this Senate has no constitutional authority to inquire into the antecedents and the early career and character of a Senator who comes here for admission with the credentials of his State.

The theory of the fathers of the Constitution was that the legislators of the State, who are directly amenable to the people of the State, would elect fit men to represent such State in the Senate of the United States. It was not supposed by the framers of that great instrument that the Senate of the United States would sit as a court of inquiry or an inquisition to investigate the career and character of any man whom a State might see fit to honor with a seat in this body.

It was left by the Constitution of the United States to each State to determine the character of the men whom they would prefer to represent them as United States Senators. I am well aware, Mr. President, that there have been different views expressed on this question by Senators in the discussion of the eligibility of Senators who have applied here for admission to a seat in this body; but I make the assertion, after a careful study of the cases that have been considered by the Senate from the adoption of the Constitution of the United States to the present time, that no Senator has ever been denied a seat in the Senate of the United States because of any lapse in his career prior to his being selected by his State as such Senator.

A notable instance is found in the so-called "Roach case." Senator Roach, as many of the Senators who are now serving in this body will remember, presented his credentials as a Senator from the State of North Dakota and asked for admission to represent that State as a United States Senator in this body. After taking the oath of office it was discovered that in his earlier career he was connected with one of the banks in the city of Washington, in the District here, and, as such officer, embezzled quite a large sum of money, and that he was charged to be a fugitive from justice. The question was raised and elaborately argued as to whether that disqualified him from holding his seat in the Senate as a Senator from North Dakota. After an elaborate discussion of this subject and an examination of the precedents covering the entire period of our national history, without any vote being taken upon the subject, Senator Roach was permitted to serve out his time as a United States Senator in this body.

I think, Mr. President, that this example, so recently before us, has settled forever the question that the Senate will not undertake to revise the judgment of a State in determining the character of man whom the State shall select as a United States Senator. The Senate will content itself with what occurs while such Senator is a member of this body. If the conduct of the Senator is such as to lower the standard of the Senate or to bring it into disgrace, or if the Senator be guilty of any misdemeanor that would bring this great legislative body into disfavor, the power exists under the Constitution of the United States to expel such a member.

Paragraph 2, section 5, of Article I of the Constitution of the United States reads as follows:

Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

Ample power is given in this provision of the Constitution to protect the high character of this great legislative body. While the Senate, as I have shown, can not add qualifications to those prescribed in the Constitution for a Senator from any State; and while the State itself can not superadd other qualifications; and while the Senate itself, by a long line of precedents, has established the fact that the previous career and character of the Senator must be determined by the State that sends the Senator to this body, still after he becomes once a member he must deport himself in a manner consistent with the dignity and high character of the Senate of the United States or he will become amenable to this provision of the Constitution which I have just read and which will enable the Senate itself, if his conduct be such as to warrant it, to expel the member by a two-thirds vote.

In the case I have just cited from North Dakota, had the embezzlement charged to Senator Roach occurred during his term

of service the Senate would clearly have been warranted in expelling him as a member from this body.

Any disorderly behavior that tends to bring reflections upon the Senate in any form or at any time while the Senator is a member of the Senate will be sufficient, in my judgment, to warrant the Senate in taking the course prescribed by the Constitution in expelling a member.

The considerations which I have here presented, Mr. President, will indicate to the Senate the limitations within which the Senate itself can inquire into the question as to whether REED SMOOT is entitled to retain his seat in the Senate of the United States.

It is conceded by the distinguished chairman of the Committee on Privileges and Elections in the very able, and, indeed, I may say remarkable, speech which he made here the other day in support of his contention that Senator REED SMOOT is not entitled to a seat in the Senate, that he possesses all of the qualifications spoken of in the Constitution itself—he is over 30 years of age, he has been more than nine years a citizen of the United States, and he was an inhabitant of the State of Utah at the time he was elected by the legislature of that State a Senator of the United States.

It is also conceded, Mr. President, not only by the able chairman of this committee, but I think by all who are at all familiar with the case that was presented to the Committee on Privileges and Elections, that Senator REED SMOOT is not a polygamist; that he has never married a plural wife, and has never practiced polygamy; that he is a man in his personal relations as son, husband, father, and citizen above reproach; that in all of the relations of citizenship he has lived a singularly pure and upright life.

Why, then, should he be expelled from this body, disgraced and dishonored for life, a stigma placed upon his children, his own life wrecked and the happiness of his wife destroyed? He is a Christian gentleman, and his religious belief has taken him into the Church of Jesus Christ of Latter Day Saints, commonly called the "Mormon Church."

I shall refer later in my remarks, Mr. President, to the arraignment of this church by the distinguished senior Senator from Michigan. It is my purpose now, however, to challenge the attention of the Senate to charges that were originally made against Senator SMOOT, that resulted in the investigation which has culminated in the resolution now pending before the Senate respecting Senator SMOOT's seat in the Senate. There were two petitions presented to the Senate, which were referred to the Committee on Privileges and Elections, protesting against REED SMOOT retaining his seat in the Senate of the United States. One was signed by Mr. Leilich. This protest charged that REED SMOOT is a polygamist and that, as an apostle of the Church of Jesus Christ of Latter-Day Saints, commonly called the Mormon Church, he had taken an oath of such a nature and character as that he is thereby disqualified from taking the oath of office required of a United States Senator. No person appeared before the Committee on Privileges and Elections to support these charges. Judge Tayler and Mr. Carlisle, who conducted the case against Senator SMOOT before the committee, disclaimed any connection with these charges, and I think I am safe in saying that both of these distinguished lawyers claimed that there was no truth in either of the charges made. They conceded before the committee that Senator SMOOT is not a polygamist and never has been. It is also equally clear, Mr. President, that he has never taken an oath as apostle of his church of a nature and character that disqualifies him from acting as United States Senator.

I feel sure that neither the distinguished chairman of the Committee on Privileges and Elections nor any of the people who sympathize with the position which he holds in this case will contend for a moment that there is an apostolic oath which has been taken by Senator SMOOT which disqualifies him from discharging the duties of the high office of Senator of the United States from the State of Utah.

The real charges that have been considered relate more particularly to the protest that was signed by W. M. Paden and a number of others, which charged in substance that he is a member of a self-perpetuated body of fifteen men who constitute the ruling authorities of the church, known as the "hierarchy;" that they claim supreme authority, divinely sanctioned, to shape the belief and control the conduct of the members of the Mormon Church, and that they encourage and believe in polygamy and the practice of polygamous cohabitation and countenance and connive at violations of the laws of the State of Utah and of the United States, and that as a member of the hierarchy REED SMOOT should be held guilty of any crime committed by any member of the hierarchy and should be held equally guilty of any of the violations of the laws of the State of Utah or of the United States by members of that self-perpetuating body.

I listened, Mr. President, with a great deal of interest to the eloquent denunciation of the crime of polygamy by Mr. BURROWS, the senior Senator from Michigan, in his speech here the other day, and I sympathize with him fully in his arraignment of polygamy and polygamous cohabitation. I think it is a relic of a barbarous age, and as such I denounce it. It is the destroyer of the ideal American home life and the corrupter of the morals of those who practice it.

I share also, Mr. President, in the condemnation which the Senator launched against Brigham Young and other leaders of the church who, in their day and generation, promulgated and practiced this crime upon their followers. But, Mr. President, Brigham Young and the present head of the Mormon Church are not on trial before the Senate of the United States. Brigham Young has long since passed from this life into another world and there, according to the beliefs of Protestants and Catholics alike, before a just Judge, will pay the full penalty for the crimes he committed while on earth. The present head of the Mormon Church is destined in the fullness of time to go before the same tribunal and to have his acts and deeds passed upon by the same impartial Judge.

Mr. BEVERIDGE. Will the Senator from Illinois permit me?

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Illinois yield to the Senator from Indiana?

Mr. HOPKINS. I yield.

Mr. BEVERIDGE. I have listened with profound interest to the unanswerable argument of the Senator from Illinois to the effect that no Senator is to be criticised or his title to be assailed by reason of something he may have done before his State elected him a member of this body. In that connection, not only has Brigham Young passed to his rest, not only is it conceded, in spite of the belief of the people, that Mr. SMOOT is not a polygamist, but he never was one. So that not only does this offense of which he is popularly supposed to be guilty not attach to him now, but it never did attach to him.

Mr. HOPKINS. The Senator is correct.

Mr. BEVERIDGE. I think it is worth while to call particular attention to that fact, because in the minds of the people of the country I think everybody knows that Mr. SMOOT is apparently being tried because he is a polygamist, whereas it is not only proved that he is not, but it is gladly admitted that he is not and that he never has been.

Mr. DUBOIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Idaho?

Mr. HOPKINS. Certainly.

Mr. DUBOIS. It is only for a moment.

The protest against REED SMOOT is what he is being tried on. It is set forth thoroughly in the record. It is not in the minds of the people or of Senators that he is being tried because he ever has been or is now a polygamist.

Mr. BEVERIDGE. Will the Senator from Illinois yield for a moment?

Mr. HOPKINS. I yield.

Mr. BEVERIDGE. It is pertinent in a debate of this kind to refer to what exists in the minds of the public—what the people have been led to believe. We, as a court, will of course try Senator SMOOT upon the record. But it has been given out to the people in numberless methods that Mr. SMOOT, a polygamist, is occupying a seat in the Senate of the United States; that a violator of our laws in that particular is holding a seat in this body. That is entirely untrue, and from now on in this debate the American people ought to know what those who are against Mr. SMOOT admit, but what is not popularly known—that he not only not now is, but never has been a polygamist, and, on the contrary, his home life is pure and perfect.

Mr. HOPKINS. I recognize what the Senator from Indiana says is true.

Mr. SCOTT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from West Virginia?

Mr. HOPKINS. I do.

Mr. SCOTT. I wish to ask the Senator from Illinois if it is not true that the Presbyterian Church embraces in its creed, or its confession of faith, or whatever it may be called, the doctrine of infant damnation? If so, I should like to ask him whether all members of the Presbyterian Church can be held accountable for that doctrine when many of them do not believe it?

Mr. HOPKINS. I did not rise, Mr. President, either to praise or to condemn the Presbyterian Church. I have very

many dear friends who owe allegiance to that church and to its doctrines, and I know them to be good citizens wherever they live, and that they exercise a Christian influence where their influence has been exerted at all. I am not here for the purpose of discussing any other religious sect. We all know that the human race, from its earliest stages, has developed through bloody wars in the name of religion, and it is not for me to speak of the history of any of the different churches, because I know that in the twentieth century they are all exerting a profound and beneficial influence upon mankind.

My purpose to-day will be to show to the Senate and the people of this country that whatever crimes may have been committed in the earlier history of the church in the name of Mormonism is not for us to condemn or condone here. We have only to consider the personnel of REED SMOOT and his relations to the church since he became a member of this body. If it shall appear, Mr. President, from a careful analysis of the testimony which has been taken by the Committee on Privileges and Elections that REED SMOOT is guilty of the crimes charged against the Mormon Church by the eloquent and distinguished Senator from Michigan in his speech, then I say we should all unite in expelling him from the Senate.

If, however, Mr. President, it shall appear from a candid consideration of all the testimony which has been presented to the Committee on Privileges and Elections that REED SMOOT stands forth guiltless of any offense punishable by law or any conduct unbecoming a Christian gentleman, then the mere fact that he is a member of the Mormon Church, or that he is an apostle in that church, should not debar him from exercising the rights of a Senator in this body, and should not deprive the State of Utah, which, under our Constitution, has the same rights and privileges accorded to any one of the original thirteen States, from having a full representation in the United States Senate.

I shall, Mr. President, before I close, trace somewhat briefly the history of the Mormon Church and note the character and conduct of some of the men who have been prominently identified with that church from its organization to the present time. But I shall not follow the example set by the Senator from Michigan and declare against the church and against Senator SMOOT simply because I find that in some period of the history of the church its leaders have been violators of law and it has taught doctrines that in this generation are condemned by all right-minded citizens. If this line of argument, which was so largely indulged in by the Senator from Michigan, should have a controlling influence in the Senate or in the country, would a member of any one of the churches, either Protestant or Catholic, be safe?

If we are to charge a member of a Christian church with all the crimes that have been committed in its name, where is the Christian gentleman in this body who would be safe in his seat?

It must be conceded, Mr. President, that the Mormons are sincere and honest in their religious convictions. Senator SMOOT, as an apostle in the church, has no control over the temporal or business affairs of the members of that church. His business is to preach the gospel.

Senator SMOOT is a Christian man. That he believes that God interests Himself in the affairs of men is no more than a belief that is professed by all Christian people. One of the earliest lessons that is taught in childhood by Christian parents is to inculcate the belief in the children that in their little troubles they should go to their closets and pray God for light and guidance, and that He will help them. It is this belief that God does take an interest in the affairs of men that has made the Christian church the power for good that it has been in the world. You take that doctrine away and you destroy in a large measure the beneficent influence that has been exerted upon mankind in all ages during the Christian era.

Many things have been done in the name of the Mormon Church in its earlier history which are condemned by all right-thinking men, not only outside of that church, but in the church as well. The Mormon people have become better educated, their spiritual vision has become clearer, and they now condemn as heartily as we do many acts that were regarded in the days of Brigham Young as in accordance with the word of God. This moral elevation and spiritual improvement, which has been noted in the Mormon Church in the last twenty years, is but a repetition in another form of what is found in the history of all of the various churches, both Protestant and Catholic.

Mr President, we can see from the testimony that appears before the Committee on Privileges and Elections that the Mormon Church is undergoing a radical change for the better.

REED SMOOT is an apostle of this higher and better Mormonism. He stands for the sacred things in the church and against polygamy and all the kindred vices connected with that loathsome practice. In his position as a member of the church, and as an apostle and preacher of the doctrines of the church, he has done more to stamp out this foul blot upon the civilization of Utah and the other Territories where polygamy has been practiced than any thousand men outside of the church.

I dissent in toto, Mr. President, from the conclusions reached by the Senator from Michigan [Mr. BURROWS] regarding the influence of the Mormon Church at the present time on the temporal affairs of its people and also on the conclusion that he sought to establish that polygamy is still a part of the religion and practice of the Mormon Church as such.

With the indulgence of the Senate, I shall take a little time to trace the history of the church and its relation to the Government of the United States during the Territorial history of Utah and what has been done since to destroy polygamy and polygamous cohabitation.

The founder of the church, Joseph Smith, was killed in Hancock County, Ill., in 1844. This was the culmination of a long series of troubles that had existed between the Gentiles and the Mormons, in Missouri first, and later in Illinois. The leaders of the church, after the death of Smith, decided to abandon their home at Nauvoo, Ill., and seek a new place for the establishment of their church and their homes, beyond the authority of the State and Federal governments. Under the leadership of Brigham Young they traversed the Great Plains of the West, and never stopped in their onward march until they reached the Great Salt Lake in Utah, then a part of the territory of the Republic of Mexico. Here they pitched their tents and commenced to build in this wilderness their churches and their homes. This Mexican territory became a part of the United States under the treaty of Guadalupe-Hidalgo, and the Mormon people again became amenable to the laws of the American Republic.

Brigham Young at this time was the recognized leader of the Mormon people. He had promulgated the doctrine of polygamy and claimed that the martyred Joseph Smith had received directly from God the authority for Mormons to marry plural wives and practice polygamous cohabitation.

After Utah became a part of the possessions of the United States it was organized into a Territory, and in 1850 Brigham Young, then the husband of several wives, was made the governor of the Territory. He was nominated by President Fillmore and his appointment was confirmed by the Senate. In 1852, two years after this appointment, he publicly proclaimed polygamy as the doctrine of the Mormon Church and it was accepted and practiced by his followers. In 1854, two years after he had publicly proclaimed polygamy as the doctrine of the Mormon Church, he was again nominated by President Pierce for governor of the Territory, and again confirmed by the Senate.

At the time that he was nominated by President Pierce and confirmed by the Senate he was living with many plural wives, and many of his followers were living in polygamous cohabitation. No legislation was passed by Congress on this subject, and it seemed that no successful protest was made against the head of the Mormon Church being made governor of the Territory and Indian agent to represent the Government of the United States with the red men.

The first legislation on this subject was in 1862. In that year Congress passed "An act to punish and prevent the practice of polygamy in the Territories of the United States and other places," etc.

The first section of that statute reads as follows:

That every person having a husband or a wife living who shall marry any other person, whether married or single, in a Territory of the United States, or other place over which the United States have exclusive jurisdiction, shall, except in the cases specified in the proviso to this section, be adjudged guilty of bigamy, and upon conviction thereof shall be punished by a fine not exceeding $500 and by imprisonment for a term not exceeding five years: *Provided, nevertheless,* That this section shall not extend to any person by reason of any former marriage whose husband or wife by such marriage shall have been absent for five successive years without being known to such person within that time to be living; nor to any person by reason of any former marriage which shall have been dissolved by the decree of a competent court; nor to any person by reason of any former marriage which shall have been anulled or pronounced void by the sentence or decree of a competent court on the ground of the nullity of the marriage contract.

Senators will note from reading the statute that while it prohibited plural marriages and made the same bigamy, it did not punish or in any manner interfere with the continued cohabitation of those who had previously entered into the polygamous relations.

It was not until the 22d of March, 1882, under what is known as the Edmunds Act, that polygamous cohabitation became punishable under the laws of the United States.

Sections 3 and 7 of the Edmunds Act read as follows:

SEC. 3. That if any male person, in a Territory or other place over which the United States has exclusive jurisdiction, hereafter cohabits with more than one woman, he shall be deemed guilty of a misde-

meanor, and on conviction thereof shall be punished by a fine of not more than $300 or by imprisonment for not more than six months, or by both said punishments, in the discretion of the court.

SEC. 7. That the issue of bigamous or polygamous marriages, known as Mormon marriages, in cases in which such marriages have been solemnized according to the ceremonies of the Mormon sect, in any Territory of the United States, and such issue shall have been born before the 1st day of January, A. D. 1883, are hereby legitimated.

The Edmunds Act, so called, was taken by the leaders of the church at that time as persecution, and they assumed the attitude of martyrs to their religion. Many prosecutions followed and many convictions were had. Prominent Mormons who were guilty of practicing polygamy were driven out of the country into Canada and Mexico and foreign lands. The feeling among the Christian people of the Republic was that not enough had been done to entirely crush out this foul and debasing practice, and hence in 1887 Congress enacted what has since been called the Edmunds-Tucker Act, which changed the rules of evidence so as to make a lawful husband or wife of a person accused of bigamy, polygamy, etc., a competent witness. Not only this, but the law provided for the annulment and dissolution of the corporation known as the Church of Jesus Christ of Latter Day Saints.

Under both the Edmunds and the Edmunds-Tucker Act all children that had been born to plural wives were made legitimate, so that the children of the third or fourth wife, by act of Congress, could inherit property from the father and have all of the rights that are guaranteed under the laws of our country to the children by the first wife.

There is no question but what many of the Mormons at this time believed that the Federal Government had no constitutional authority to interfere with polygamy or polygamous cohabitation because of its being practiced as a part of the Mormon religion. They were fanatics in this, precisely as Sydney Smith, a hundred years ago, found fanatics in the Methodist Church. They went to the very limit in their opposition to the law, and to show their good faith in this, wrong as we all know them to have been, it is only necessary for me to cite to the Senators the case of Reynolds *v.* The United States, where he voluntarily came before the courts and furnished the proof of violating the Edmunds law in order to test the question as to whether the Mormon religion, as promulgated by Brigham Young, could be practiced by his followers in spite of the legislation of Congress.

The Supreme Court very properly and justly held that while the Mormons had a right to their religion, and while they had a right to believe that God permitted plural marriages, yet the practice of polygamy as such, being in violation of the laws of our country, could not be indulged, and the court sustained the law in every respect.

This decision and other litigation that was had in the Federal courts in the Territory of Utah and in the Supreme Court of the United States brought the leaders of this church to a realization of the crisis that was upon them, and it was under these conditions that I have here too briefly expressed that the then head of the Mormon Church, Wilford Woodruff, issued what has since been known as the manifesto, the official declaration of which I will here incorporate in my remarks:

To whom it may concern:

Press dispatches having been sent for political purposes from Salt Lake City, which have been widely published, to the effect that the Utah Commission, in their recent report to the Secretary of the Interior, allege that plural marriages are still being solemnized and that forty or more such marriages have been contracted in Utah since last June, or during the past year; also that in public discourses the leaders of the church have taught, encouraged, and urged the continuance of the practice of polygamy.

I, therefore, as president of the Church of Jesus Christ of Latter-Day Saints, do hereby, in the most solemn manner, declare that these charges are false. We are not teaching polygamy, or plural marriage, nor permitting any person to enter into its practice, and I deny that either forty or any other number of plural marriages have, during that period, been solemnized in our temples or in any other place in the Territory.

One case has been reported in which the parties alleged that the marriage was performed in the endowment house, in Salt Lake City, in the spring of 1889, but I have not been able to learn who performed the ceremony. Whatever was done in this matter was without my knowledge. In consequence of this alleged occurrence the endowment house was, by my instructions, taken down without delay.

Inasmuch as laws have been enacted by Congress forbidding plural marriages, which laws have been pronounced constitutional by the court of last resort, I hereby declare my intention to submit to those laws and to use my influence with the members of the church over which I preside to have them do likewise.

There is nothing in my teachings to the church or in those of my associates during the time specified which can be reasonably construed to inculcate or encourage polygamy, and when any elder of the church has used language which appeared to convey any such teachings he has been promptly reproved. And I now publicly declare that my advice to the Latter-Day Saints is to refrain from contracting any marriage forbidden by the law of the land.

WILFORD WOODRUFF.
President of the Church of Jesus Christ of Latter-Day Saints.

This manifesto was issued by President Woodruff, as he claimed, by the direct revelation from God. It was presented under the laws of the church to a great convention of Mormons and adopted by them, and in the following years again adopted by the Mormon Church, and thus became a part of the fundamental law of the Mormon Church.

Mr. President, it appeared in evidence during the hearings before the Committee on Privileges and Elections that a plural marriage could be valid in the Mormon Church according to the laws of that church only when celebrated by the president or by somebody authorized by him to celebrate it.

This manifesto, which was issued in September, 1890, by President Woodruff, was adopted at general conference of the members of the Mormon Church October 6, 1890, and thereby became a part of the fundamental law of the church. It can not be repealed or modified except by the action of a similar conference.

Senators will thus see that since the adoption of the manifesto a plural marriage is in violation of the laws of the Mormon Church as it is a violation of the laws of the Federal Government. By its adoption the president of the church himself can not perform a legal plural marriage, and what he can not do he can not authorize anybody else to do; so that, as I have said, there can be no plural marriages under the laws of the church since the manifesto of 1890. Any man who has taken a plural wife since then has not, under the laws of the church, made her his wife. The relation is an adulterous one, punishable both under the laws of the church and the laws of the land.

This was sworn to by President Joseph F. Smith. During the course of his examination by Judge Tayler, this question was propounded by him:

Mr. TAYLER. Is the law of the church, as well as the law of the land, against the taking of plural wives?
Mr. SMITH. Yes, sir; I will say——
Mr. TAYLER. Is that the law?
Mr. SMITH. I would substitute the word "rule" of the church.
Mr. TAYLER. Rule?
Mr. SMITH. Instead of law, as you put it.
Mr. TAYLER. Very well. Then to take a plural wife would be a violation of the rule of the church?
Mr. SMITH. It would
Mr. TAYLER. Would it be such a violation of the rule of the church as would induce the church authorities to take it up like the violation of any other rule would do?
Mr. SMITH. It would.

Mr. Brigham H. Roberts testified that he was born in England and came to this country when a boy; that he held the official position of one of the presidents of the seventies in the Mormon Church, and, in addition to that, that he is one of the assistant historians of the church, and also an assistant to President Smith in an organization of young men, an auxiliary organization of the church; that as an author he had written a biography of John Taylor, A New Witness for God, Outlines of Ecclesiastical History, and other works.

In speaking of the force and effect of the manifesto issued by President Woodruff and adopted by the Mormon Church in two of its annual conferences, he said:

I regard the manifesto as an administrative act of the president of the church, accepted by the church, and of binding force upon its members. But I regard it as an administrative act which President Woodruff, holding in his own hands the direct authority controlling that particular matter—that is, the matter of marriages—had a perfect right to make, and the acceptance of that action by the church makes that a positive binding law upon the church.
Mr. TAYLER. And those who do not obey it are subject to the pains and penalties such as a church under its discipline may inflict upon its members who disobey it?
Mr. ROBERTS. Yes, sir.
Mr. TAYLER. That is the rule of the church against the taking of plural wives.
Mr. ROBERTS. Yes.
Mr. TAYLER. How does its force differ from the force of the rule against polygamous cohabitation?
Mr. ROBERTS. Not at all.
Mr. TAYLER. Then the disobedience of the one is as offensive to the church as the disobedience of the other?
Mr. ROBERTS. I should think it would be.
The CHAIRMAN. And both are of equal binding authority?
Mr. ROBERTS. Yes, sir.

Other witnesses testified in a similar manner.

The senior Senator from Michigan [Mr. BURROWS] said the other day, in his very able speech:

Let me say at the outset, touching the charge that the Senator from Utah is a polygamist, and for that reason disqualified from holding a seat in this body, no evidence was submitted to the committee in support of such allegation, and, so far as the investigation discloses, the Senator stands acquitted of that charge. * * * The Senator stands before the Senate in personal character and bearing above criticism and beyond reproach, and if found disqualified for membership in this body it must be upon other grounds and from other considerations.

I wish, Mr. President, to enforce upon the minds of Senators and the country that all that I have said respecting the personal character of Senator SMOOT and the purity of his life are con-

firmed by the Senator from Michigan. What reason, then, does the Senator have in insisting that Senator SMOOT shall be expelled from the Senate? He has epitomized the objections urged against him in the three following propositions:

First. That at the time of his election the State of Utah and the legislature thereof were under the complete domination of the Mormon hierarchy, of which he is a member, and that such hierarchy so far "interfered with the functions of the State" as to secure the election of one of its own members and an apostle, and that his certificate of election by the legislature was only the recorded edict of the hierarchy in defiance of the constitutional inhibition that "no church shall dominate the state nor interfere with its functions;"

Second. That this Mormon hierarchy, of which the Senator is a conspicuous member, inculcates and encourages belief in and the practice of polygamy and polygamous cohabitation in violation of the laws of the State prohibiting the same and in disregard of pledges made for its suppression; and

Third. That the Senator, in connection with and as a member of such organization, has taken an oath of hostility to the Government of the United States incompatible with his obligation as a Senator.

I shall undertake, Mr. President, before I close my remarks, to show that not one of the propositions is supported either in law or in fact, and that the protestants, whose mouthpiece the senior Senator from Michigan [Mr. BURROWS] is upon the floor of the Senate, have utterly failed to make good any case against REED SMOOT. I shall not, however, Mr. President, discuss the propositions in the order in which they were taken up by the senior Senator from Michigan. I propose to discuss the second proposition first.

The Mormon hierarchy, so called, consists, as I understand it, of the president and his two counselors and the twelve apostles. The Mormon Church is a religious organization, founded, as claimed by the senior Senator from Michigan, by religious and pure-minded men. The doctrine that has brought it into disrepute and which has caused criminal charges to be preferred against many of its members is the doctrine of polygamy, which has been eliminated, as I have already said, from the church doctrine by the manifesto of 1890, so that, as the church exists now, it is a religious organization composed of a president and his two counselors, the twelve apostles, and lesser officers in the church organized somewhat similar to other religious organizations.

The president is the supreme head of the church throughout the world. His two counselors have no direct power other than to advise and counsel with him when called upon. The twelve apostles, who form a part of the hierarchy, have no temporal authority and no religious authority outside of preaching the gospel. Any member of them, however, can be, and frequently is, given certain powers and authority in the church by the president. These apostles are also consulted by the president in church matters whenever he has occasion to call upon any one or all of them, relating to any church matter.

It is made perfectly clear in the testimony of Mr. Talmage and every other intelligent witness who gave evidence on this subject that the church organization is primarily and wholly for the religious betterment of mankind. Among other things that Mr. Talmage said in the course of his testimony before the Committee on Privileges and Elections was the following:

Mr. TALMAGE. The first presidency, as I have stated, is composed of three high priests, who are known as the presiding high priests over the church. The quorum has general direction of all church affairs throughout the world. The quorum of apostles has no jurisdiction as a quorum, nor has any member—that is, any individual apostle—any jurisdiction personally in the organized stakes and wards of the church while the first presidency is acting, except as the individual apostle or the quorum may be directed to take charge and exercise supervision for the time being in any part. In other words, the quorum of apostles is not a quorum of local presidency in any sense of the term, and the apostles operate in the organized stakes and wards of the church as teachers and preachers without any authority at all in the matter of enforcing any command or counsel or requirement. Indeed, they have no authority to make or to enforce such, if it were made, unless they act, as I said, by special appointment as representatives of the first presidency. As a representative, by special appointment, of the first presidency, any high priest could act, if so called. But the apostles have a specific work that is required of them.

Mr. WORTHINGTON. Now, what is that?

Mr. TALMAGE. That is the work pertaining to missionary labor, particularly outside the organized wards and stakes.

Mr. WORTHINGTON. Their principal duty is that of missionaries outside of organized stakes?

Mr. TALMAGE. Yes, sir.

This is the "criminal body" that it is charged Senator SMOOT is a member of; and because of that membership it is insisted by the protestants and by the Senators who have already spoken against Senator SMOOT that he should be expelled from this body.

I undertake to say, Mr. President, that there is no evidence that was taken before the Committee on Privileges and Elections that supports the charge that the apostles, as a religious organization, is a criminal organization. There is no testimony that can be found within the covers of the four volumes of testimony that I have here before me, which includes all of the evidence which was heard before the Committee on Privileges and Elections, that even tends to support the allegation so broadly made by the Senators who seek to expel REED SMOOT from the Senate of the United States. I will not say, Mr. President, that they have willfully misrepresented the evidence; I will not say that they have deliberately sought to mislead the Senate on that important subject; they have failed, as it seems to me, to discriminate between the apostles as a religious organization in the Mormon Church and the individual acts of some of the members of that organization. The object and purpose for which the apostolic organization exists is to inculcate religious doctrine into the minds of the people throughout the civilized world and to lead them to espouse the doctrines of the Mormon Church with polygamy eliminated.

Now, that some of the members of the organization still indulge in polygamous cohabitation and in their hearts believe that the doctrine of polygamy is of divine origin does not make the organization a criminal organzation. The apostles, since the manifesto of 1890, according to the testimony of all of the witnesses who have given evidence upon that subject, do not preach the doctrine of polygamy or encourage polygamous cohabitation. It is not what a man believes, but what he does, that makes him a criminal.

Mr. President, we have had an exhibition here to-day that furnishes a splendid illustration of the position which I have just now taken. We all know, as was expressed by the Senator from Georgia [Mr. BACON] and others to-day, that there are honorable Senators upon this floor who as firmly believe that the Confederate States had a legal right to secede and form a separate and independent government as did the leaders of that great movement who put their beliefs into action and organized civil war. They, however, like the Mormons of to-day, have accepted the results of the war and have come back into the Union and taken their share of the burdens and benefits of a reunited Republic. Their beliefs regarding the righteousness of their cause, with many of them, is as firm to-day as it was in the bloody days from '61 to '65. That belief, however, does not make them traitors to their country, and the belief of any number of the members of the Mormon Church that polygamy is a principle of divine origin, as long as they do not preach it as a part of the doctrines of the church, can bring no more punishment than can a Senator upon this floor be punished for entertaining the principles of constitutional law that led the brilliant leaders from the South to organize armed opposition to the General Government.

So much, Mr. President, for the individual belief on this subject of polygamy. Now, let us look for a moment, if you please, to the church organization of which REED SMOOT is a member.

As I have already stated, that organization as such is prohibited by the rules of the church from preaching or inculcating in any manner the doctrine that the followers of the Mormon Church have a right to and should indulge in plural marriages. The senior Senator from Michigan [Mr. BURROWS] quoted a number of decisions of courts of last resort in several States and text writers to establish the following doctrine:

Every person entering into a conspiracy or common design already formed is deemed in law a party to all acts done by any of the other parties before or afterwards in furtherance of the common design. The principle on which the acts and declarations of other conspirators, and acts done at different times, are admitted in evidence against the persons prosecuted is that by the act of conspiring together the conspirators have jointly assumed to themselves, as a body, the attribute of individuality so as regards the prosecution of the common design, thus rendering whatever is done or said by anyone in furtherance of that design a part of the res gestæ and, therefore, the act of all.

I am not inclined to criticise that law. I indorse it in spirit and letter and believe that it expresses the principle which governs the action of men in every State in the Union. The trouble, however, with the law which has been quoted by the senior Senator from Michigan [Mr. BURROWS] is that it has no application to the case of REED SMOOT. This law of individual responsibility is based upon the admitted fact that a criminal conspiracy exists and that the person who is charged with a crime is one of the conspirators; that the common object of the organization of which he is a member is to commit a crime and then whatever is done under such circumstances by one of the conspirators is equally chargeable against the others.

The senior Senator from Michigan [Mr. BURROWS] cited, in his very able argument here the other day in support of that doctrine, the case of Spies et al. *v.* The People of Illinois. Spies was indicted and convicted of murder of one Degan, who was killed by a bomb thrown by a fellow-conspirator of Spies at a time when Spies was not present. This doctrine, which I have already quoted from the text writer, was invoked in the courts of Illinois, and it was charged that he was equally guilty with the conspirator who threw the bomb. Before Spies could be charged with criminal offense the State of Illinois was required to show that he was a member of an

organization known as the "International Association of Chicago," having for its object the overthrow of the law and the destruction of the Government. It was also shown that these members had advocated the use of bombs and dynamite in any form against the government of the city of Chicago and the State of Illinois and the Federal Government. It was a body reeking with crime, and Spies was one of the leaders of this organization. The conspirator, in throwing the bomb and killing Degan in the city of Chicago, was simply carrying out in spirit and letter the instructions of the organization of which Spies was a prominent member. Under these conditions the trial court held that he was equally guilty with the bomb thrower in the murder of Degan.

This law, however, Mr. President, can have no more application to REED SMOOT than it can have to the Senator from Michigan himself, for the reason, as I have stated, that the Mormon apostles, as an organization, has not been shown to be a treasonable organization or an organized conspiracy to overthrow any of the laws of the State or country.

That some of the apostles have plural wives is a poor argument to be urged for the unseating of Senator SMOOT.

That officers high in the Mormon Church violate the laws of God and man is a matter of the deepest concern to every fair-minded man in the country; but it furnishes a poor excuse for Senators to inflict punishment upon an innocent man simply because he believes in a religion that is advocated by them.

I now come to consider the first point the Senator made as a reason why he proposes to vote to expel Senator SMOOT. As I have stated, it is, in substance, that the State of Utah and the legislature were under the control and domination of the Mormon hierarchy, of which Mr. SMOOT is a member, and that this hierarchy secured his election.

I am somewhat surprised that a lawyer of the ability and a man of the acknowledged intelligence of the senior Senator from Michigan [Mr. BURROWS] should submit a proposition of that character as a reason for depriving Senator SMOOT of his seat in this body. If that principle were to prevail in the spirit and letter with which he has argued it, it would, in one form or another, vacate nearly every seat in this body. The substance of the charge that he has formulated is that a member of the Mormon Church will vote for a Mormon to hold a political office in preference to a person living outside the fold of the church. That is the charge, stripped of the verbiage with which it is surrounded, in the proposition put by the senior Senator from Michigan.

I wish to call to the attention of the Senators that there is nothing in the Constitution of the United States that prohibits a State from having an established church. If the people of the State of Michigan can revise their State constitution so as to require the taxpayers of that State to pay annually a certain sum for the maintenance of the Episcopal, the Catholic, the Presbyterian, or the Methodist, or any other church, such a clause in the constitution of Michigan or any other independent State in the Republic would not be antagonistic to anything contained in the Constitution of the United States. When the members of the Constitutional Convention of 1787 assembled in Philadelphia for the purpose of preparing a Constitution that would unite the thirteen separate sovereign States in one confederated Republic, it was not their intention to limit the powers of any one of those States in dealing with their own people. The purpose was to enable them, through this Federal agency, to deal more effectively with foreign powers and between themselves than could be done under the old Articles of Confederation. They proposed to, and did, leave the largest liberty to the people of each one of the separate sovereignties to determine their internal and all domestic affairs as the people from time to time should will. Each State was governed by its own separate constitution, and that constitution could be amended or changed or absolutely destroyed and another one placed in its stead, just as the people willed, in accordance with the terms of the chartered instrument under which they were then living. When they came to provide for additional States to be admitted into the Federal Republic they gave as much liberty to the proposed new State as any of the then thirteen States possessed or should possess after they had adopted the Federal Constitution. So that when Utah became a separate and independent State in the American Republic the people of that State had the same power to adopt a constitution under the Constitution of the United States, and to provide, if you please, in that constitution a tax to support a State church that any one of the original colonies had when it entered into the negotiations that led to the adoption of the Constitution of 1787. That in the whole history of the Republic no State has ever resorted to that is no evidence that the power does not exist, but is a tribute to the independent thought and independent action of the people of the several States in forever keeping separate state and church. It was a wise consideration on the part of the fathers of the Constitution that they left that power with the people themselves, because that power, with the people, can never be abused, as is evidenced by the history now of one hundred and twenty years under that Constitution. More than thirty States have been added to the Republic, and no one of them has ever thought fit to tax the people of the State for the maintenance of an established church.

But, Mr. President, while it is true that the people of no State in this Republic have ever seen fit to make as a part of the organic law of the State any such provision as this, it is a notorious fact that the various religious denominations have, from the earliest history of the Republic, taken a greater or less interest in all public questions and in the politics of the parties that have from time to time controlled the destinies of the Republic. Not only that, but men have combined outside of religious organizations to control cities and States and the Republic itself.

If organizations, religious or otherwise, are to be condemned because they are interested in politics, where would the Senator from Michigan himself be to-day? He belongs to a great political organization that has for its object the controlling not only of the destinies of the State that he so ably represents in this body, but it has the ambition to, and has, as a matter of fact, for more than forty years, controlled the destinies of this Republic itself. Is it any worse for members of a religious organization in any State to prefer one of their own number as a United States Senator than it is for a political organization in the State of Michigan to prefer the senior Senator from Michigan as their representative? If we are to embark upon criticisms of this character, where can we stop?

It is a conceded fact, Mr. President, that the Mormon people outnumber in the State of Utah any other religious sect, and, indeed, they outnumber all other inhabitants of the State. Is there anything unnatural, then, that in an election looking to the selection of a man for United States Senator to represent the interests of that State in this body the majority of the people would prefer to have a man not only in sympathy with them from a political standpoint, but a religious standpoint as well? The Mormon people in the State of Utah, in doing what is charged by the senior Senator from Michigan [Mr. BURROWS], have not only not committed any crime, but they have followed the principles that govern men in all conditions of life and in all of the different religious denominations. Do not two Baptists—other things being equal—feel a little more kindly toward each other than they do toward two Presbyterians or two Congregationalists? If any favors are to be extended—other things being equal—will not one Baptist favor another rather than a heretic in religion?

The charge, however, made by the senior Senator from Michigan [Mr. BURROWS] as to the domination of the Mormon Church in all political affairs in Utah, is denied by Senator SMOOT and by a large number of witnesses who appeared before the Committee on Privileges and Elections, and it was shown by these witnesses that in Mormon communities where the Mormon vote largely outnumbered the opposition, candidates who did not believe in the doctrines of the Mormon Church were elected to responsible offices. Members of the supreme court of the State have been anti-Mormons, and members of the legislature and various State officers have been pronounced anti-Mormons. My honorable friend at my right [Mr. SUTHERLAND] all his life has not only not been a member of the Mormon Church, but in time and out of time he has publicly and privately denounced plural marriage and polygamous cohabitation, and yet we find a State, with a majority of Mormons in it, sending that gentleman here to represent it in this body.

If it were the fact, as argued to us the other day by the senior Senator from Michigan, that every office, from the lowest to the highest, within the State of Utah is controlled absolutely by some member of the Mormon Church, then this condition as shown by the testimony before the Committee on Privileges and Elections would not exist, and no man who did not acknowledge fealty to the Mormon Church could hold any office, either of high or low degree. I could, had I the time, present to the Senators a long list of names of men who are anti-Mormons and who since the Territory became a State have held important local and State offices.

The people of Utah are divided, not on religious lines, but on industrial and economical lines. Senator SMOOT is a pronounced protectionist, and the majority of the people of that State are of his faith on this industrial question, as are the majority of the people of the State of Michigan of that belief politically; and it was, as I gather from a careful examination of the testimony, upon this branch of the case as presented to our commit-

tee that Senator SMOOT was selected, because he more nearly represented the views of the majority of the people on all industrial and economical questions than his opponent. He was selected precisely as my honored friend from Michigan [Mr. BURROWS] was selected to represent his State in this great legislative body.

I think I am safe in saying, Mr. President, that neither the majority in this Senate nor the people in the country will indorse the views of the senior Senator from Michigan that Senator SMOOT should be deprived of his seat in the Senate because a majority of the people of the State of Utah are of the same religious faith as himself and voted for him in preference to his opponent.

The legislature that elected him was composed of Mormons and non-Mormons. He was elected by the Republicans in the legislature, Mormons and non-Mormons, and was opposed by the Democrats in that body, Mormons and non-Mormons.

Mr. President, the next proposition that was made by the Senator from Michigan, advocating the expulsion of Senator SMOOT from this body, was that the Senator, in connection with and as a member of such organization, has taken an oath of hostility to the Government of the United States incompatible with his obligation as a Senator.

It is conceded, I think, by the Senator from Idaho and by the senior Senator from Michigan that as an apostle Senator SMOOT was not required to and did not take an oath, and that his relations with the Mormon Church, so far as that is concerned, are the same as that of a lay member.

I remember that in the testimony of Mr. Critchlow, who was one of the lawyers from that State who came here to aid the protestants against Senator SMOOT taking a seat, he made the statement that his position was no different from that of a lay member of the Mormon Church. So I wish to get fully before the minds of the Senate that neither the Senator from Idaho not the Senator from Michigan nor any of the advocates of the expulsion of Senator SMOOT from this body claim that the oath he has taken which would disqualify him is an oath that was taken as an apostle of the church, and that had a lay member of that church come here he would be under the same disability that is urged against the Senator from Utah by the Senator from Michigan, if he had gone through the endowment house, and that the oath that is here referred to in this third proposition is not an apostolic oath, but what is known as the "endowment oath." If any person ought to know whether Senator SMOOT has taken such an oath, he himself is that person. He was a witness in his own behalf before the Committee on Privileges and Elections and was questioned upon this very subject. He stated that he had taken the endowment oath when a mere boy and gave the circumstances under which the oath was taken. His evidence is that there is absolutely nothing in that oath of the character charged by the senior Senator from Michigan [Mr. BURROWS]. He further stated that not only was it no oath of hostility to the Government of the United States or incompatible with his obligations as a Senator, but that it was purely of a religious character without reference to the obligations that he assumed in this body when he took the oath of office. It is conceded not only by the senior Senator from Michigan that Senator SMOOT is an honorable man, but by every person who has had anything to do with the protestants before the Committee on Privileges and Elections. He says, under the solemnity of an oath before our committee, that there is nothing in the endowment oath that interfered with his taking the oath that he did in this body as a Senator of the United States, and that he is untrammeled, so far as that oath or his connection with the Mormon Church is concerned, in giving absolute fealty in every respect to the Government of the United States. If, Mr. President, there were no other testimony in the case on behalf of Senator SMOOT than his own, I think it should be enough to satisfy Senators, especially in view of the fact that for three years they have noted his conduct as a Senator and have seen in him nothing but the high character that all accord him—that his word should have a controlling force and effect on this question.

The testimony, however, that has been offered upon this branch of the case by those opposed to Senator SMOOT is of a character that would receive but little consideration in a court of justice. Of all the witnesses who testified before our committee there were only seven who made any pretense of testifying about such an obligation. The testimony of these witnesses is all of a vague and indefinite character. The witnesses themselves are untrustworthy or disreputable in character, and the seven combined would receive but little consideration in any court of record in any of the States of the Republic on any question that involved even the property interests of a citizen; much less, then, should they receive consideration here where the rights of a great State are involved, in addition to the reputation of one of the leading citizens of that State. As an illustration of the character of these seven witnesses I challenge the attention of the Senate to the testimony of Mrs. Elliott, who was brought here from Utah to testify regarding this oath. In order to qualify herself to make a proper showing before the committee, the Senate, and the country, she was asked various questions regarding her own record. She testified that she was living with a second husband; that her first husband was dead. She stated when he died, and that after she had lived as a widow for some time, she again married. When the respondent produced his witnesses the first husband of Mrs. Elliott was brought here, and he said he was not only not dead, but that he had been a very live man ever since he and his wife had separated; that he had corresponded continuously with his children, who were with their mother, and that she knew when she testified that he was living and well. Can anybody take evidence of that kind to impeach the character and standing of a citizen like Senator REED SMOOT?

Senator SMOOT is corroborated in his testimony by that of all of the leading witnesses who gave testimony on that subject. While most of them declined to give the endowment oath, they gave as their reason for such declination that it was a secret religious obligation. The same reasons that influence a Mason to decline to reveal the oaths that are taken by a member when he takes the different degrees in that great secret organization influenced these witnesses in declining to give this religious obligation. But each witness was explicit in stating that there was nothing in the obligation that indicated hostility of the Government of the United States. In numbers and character these witnesses overshadowed the testimony of the witnesses who had sworn to such an obligation.

No person, as it seems to me, who can properly analyze testimony can take the evidence that has been offered upon this proposition and arrive at any other conclusion than that Senator SMOOT is right and truthful when he says that he has never taken an obligation that is incompatible with his duty to the Government of the United States or that would influence him as a Senator in this body.

I have not the time to take the testimony of each witness and read it so that Senators can see that the conclusions that I have reached upon this testimony are not only logical but irresistible.

The report signed by the senior Senators from Ohio and Indiana [Mr. FORAKER and Mr. BEVERIDGE] and the junior Senators from Vermont and Pennsylvania [Mr. DILLINGHAM and Mr. KNOX] with myself contains a careful analysis of the testimony on that subject, and I commend it to any doubting Thomas in this body, if such there be on this question.

The oath that was taken by Senator SMOOT when he became a member of the Senate of the United States supersedes any oath that he may have taken at any previous period in his life. It was taken without any mental reservation, and his whole course in the Senate has shown that no obligation that he has taken in life, so far as influencing his conduct, is in conflict with his duty as a United States Senator. I shall therefore, Mr. President, pursue this line of thought no further. There are, however, some questions that I desire to discuss briefly before I close my remarks.

There is a great misunderstanding in the public mind regarding the extent with which polygamous cohabitation is practiced among the Mormons. With a church membership of more than 300,000, in 1890 it was ascertained by a careful census that there were 2,451 polygamous families. Since the manifesto of 1890, as I have already shown, the plural marriages that have taken place in the church have been exceedingly few in number. They have been sporadic and probably do not exceed in number the number of bigamous marriages that can be found in a like population in almost any State in the Union. These polygamous families were all formed prior to the manifesto of 1890. When they were entered into the parties taking on these relations believed that they were justified in the sight of God and man; children were reared under such conditions; and, as I have already shown, the laws of our country have legitimized these children.

The problem that confronted these men who had plural wives after the laws of Congress had legitimized their children by their plural wives was, What should be done with the mothers of their children? Should they be driven into the street penniless and uncared for, or thrown upon society in the anomalous and unenviable position that they would hold? Or should these men who, when they took them as plural wives, believed, as did the women, that the relation was sanctified in the sight of God and that it was pure and exalted by religious approval, care for them?

The consensus of opinion in the State of Utah among the

Gentiles as well as the Mormons was that if the husbands of these plural wives cared for them, without flaunting such relations in the face of the public, it would be better to let them care for them along with the children these women had borne them and let time and death solve the ultimate problem of the extinction of polygamy in the Mormon Church.

The leading citizens of Utah who were non-Mormon not only acquiesced in this solution of the problem, but they gave it their sanction by word and act.

I denounce any so-called plural marriages since the manifesto of 1890 in as strong terms as does the Senator from Michigan [Mr. BURROWS]; but, Mr. President, I want Senators and I want the people of the country to understand that since 1890 there has been an honest effort on the part of the Mormon people to live up to the laws of the land and live up to that manifesto issued by the head of the church.

Mr. BURROWS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Michigan?

Mr. HOPKINS. Certainly.

Mr. BURROWS. May I ask the Senator if, when he states that there has been an honest effort made to live up to the manifesto, he does not lose sight of the fact that at least five of the apostles have taken new wives since the manifesto?

Mr. HOPKINS. Mr. President, I thank the Senator for calling my attention to that. One would suppose from the position taken by the Senator from Michigan and by the Senator from Idaho that not only five apostles had taken plural wives, but that they were multiplying these plural marriages as they did before the manifesto of 1890. Can the Senator from Michigan tell me the number of plural marriages in the Mormon Church since 1890?

Mr. BURROWS. The number is shown in the evidence, but I do not now exactly recall it.

Mr. HOPKINS. I have it.

Mr. BURROWS. But there have been several.

Mr. HOPKINS. I am going to answer the Senator on that.

Mr. BURROWS. A number of them have taken plural wives.

Mr. HOPKINS. I am going to discuss that fully.

Mr. BURROWS. It does not follow from that that others are taking plural wives, but it is true that the head of the church and some of the apostles have indulged in plural marriage since the manifesto. One thing more. I should like to ask the Senator if the older people are called upon to take care of their wives as a humane act? Is there any reason why they should continue to cohabit with them and increase the number of the offspring?

Mr. HOPKINS. I will say to the Senator that on that proposition I will give him the answer of the head of the Mormon Church, which is found in the evidence. It is not necessary for me to make an answer to that proposition. That very question was put to the head of the Mormon Church, who has had a number of children born since the manifesto, and I submit that answer, not only to the Senator, but to Senators in this body and to the public generally.

Now, Mr. President, to come back to my proposition. Mark you, this manifesto was promulgated in 1890, sixteen or seventeen years ago. How many plural marriages have there been since that time? We have here, as I have said, four volumes of testimony. They have raked the entire Mormon Church from Mexico to Canada, and throughout the mountainous States; they have taken every case that they could find, whether the evidence warranted it or not. I have gone through the testimony, and I find that during the sixteen or seventeen years since the manifesto, on their own showing, there have been only twenty so-called "plural marriages"—a little over one year in a population of 300,000. Take the same population in almost any part of the country and there would be nearly the same number of bigamous marriages.

The evidence does not warrant the conclusion that there have been even twenty of these marriages. I base my statement as to the number upon the contention of the protestants themselves, but when you come to sift the evidence it absolutely fails, and if the law that governs testimony in actions dealing with property and lives in the courts of our country were to be invoked, they could not show five cases of this kind.

The Senator has suggested that five of the apostles have taken plural wives. I met that proposition when I showed that if these men had violated the law, the apostles and the church itself did not preach the doctrine of polygamy. I met that when I showed that this manifesto is sent out by the missionaries, is scattered broadcast in the church, and is acquiesced in as one of the doctrines of the church to-day. That one individual or five individuals violate the law can not make a criminal out of a church of 300,000 people. That one man or five among the apostles violate the law can not make REED SMOOT a criminal, any more than the Senator from Michigan would be a criminal because some Senator sitting near him might violate the law. REED SMOOT has no control over the individual actions of the apostles any more than the Senator from Michigan has control over the individual actions of the Senator from Colorado.

Mr. President, as I have said, it is not my purpose to take up very much more time of the Senate in the discussion of this question.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Oregon?

Mr. HOPKINS. Yes.

Mr. FULTON. The Senator may have explained, but I did not understand him if he did, whether in the case of the twenty polygamous marriages which have been celebrated since 1890 the ceremony was performed by the church in all of them or any of them?

Mr. HOPKINS. I am very much obliged to the Senator for calling my attention to that. Under the rules and regulations of the church a plural marriage, even in polygamous days, was not a legal marriage, unless it was performed by the president of the church or by somebody designated by him.

Since the manifesto of 1890 neither the president nor any other official of the church has authorized a plural marriage, and none has taken place in a Mormon church or in a sanctuary of any character belonging to the Mormon Church within the limits of the United States. The alleged taking of plural wives among the apostles, mentioned by the Senator from Michigan, occurred in Canada or Mexico, outside of the limits of our own country. This is enough to show that those individuals when they left their own country recognized that they had left their church, and that they were not only violating the laws of the Mormon Church, but that they were violating the laws of our country as well. So they went to a foreign country to consummate this relation. I showed, Mr. President, in my earlier remarks that that relation is an adulterous one in the eyes of the Mormon Church, the same as it is among the Gentiles themselves.

Mr. DUBOIS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Idaho?

Mr. HOPKINS. I do.

Mr. DUBOIS. I will ask the Senator from Illinois, if he will allow me, if the Mormon Church has undertaken to punish any of these polygamists for entering into this adulterous relation?

Mr. HOPKINS. I will answer my friend from Idaho by saying that the other day I read in a newspaper that a member of a religious organization in one of the Western States had committed the crime of bigamy. I ask the Senator if he knows whether the members of his church have prosecuted that man? One question is as fair as the other. It is not necessary in order to clear the skirts of REED SMOOT, or any lay Mormon in the church, that he should prosecute a person for committing a crime. The obligation is upon the Senator himself with the same degree of responsibility as it is upon any member of the church. If he knows that a man has violated the law it is his duty, according to his own code of ethics, to present that evidence to a grand jury to have them indict him. Has he gone and presented these charges to the grand jury in the State of Utah or in Salt Lake City?

Mr. DUBOIS. I myself have not.

Mr. HOPKINS. That is all I want to know.

Mr. DUBOIS. But the people of Utah have gone, and the courts of Utah have paid no attention to the presentation, and it is useless.

Mr. HOPKINS. Where a crime is committed and nobody follows it up, the criminal goes unwhipped of justice. That is true outside of the Mormon Church as it is true inside of the church; and if they had legal evidence of any of these apostles taking plural wives, why have they not prosecuted them instead of coming here and seeking to punish a man who has done more than any thousand people in this country to stamp out the crime of polygamy? They are trying to punish a man who has shown that he possesses the qualities of heart and head to do all in his power to stop this crime, and yet because some members of the church violate the law, these honored Senators say that he should be expelled from the Senate of the United States.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Indiana?

Mr. HOPKINS. I yield.

Mr. BEVERIDGE. In answer to the Senator's question,

whether the Senator from Illinois could cite an instance where there had been any punishment by another Mormon of Mormons for having entered into polygamous relations, I have not read the testimony recently, but the Senator has, and I call his attention to a case, as I remember it, when I was present when the testimony was being taken. I believe it was a bishop of a stake by the name of Harmer, who had taken another wife, and the attention of the Senator from Utah, not then a Senator, was called to it. The bishop himself went to Provo, the home of the Senator from Utah, not then a Senator, and told him about this thing, about which there was a great deal of rumor. The upshot of the whole matter, as I remember the testimony—and the Senator from Illinois will know about what it was—was that on his way home from Provo this bishop of the stake, who had entered into relationships with more than one woman, was arrested by the sheriff, was by the church authorities deposed from the bishropric, and was prosecuted and finally sent to the penitentiary. I do not know whether that is correct or not, but that is as I remember it.

Mr. DILLINGHAM. He himself testified to it.

Mr. BEVERIDGE. The Senator from Vermont suggests that it was the bishop himself who testified to that fact.

Mr. DUBOIS. If the Senator from Illinois will pardon me, I will show the difference. Bishop Harmer was not married to the second woman. He was living with her in a purely adulterous relation. Therefore the Mormon Church made an example of him. Had she been married to him as a second wife, they would not have interfered, because they never have done so.

Mr. BEVERIDGE. Then, the Senator's suggestion is——

Mr. HOPKINS. Right here let me say a word.

Mr. BEVERIDGE. Yes.

Mr. HOPKINS. I have shown, Mr. President, that there can not be in the Mormon Church to-day the taking of a plural wife. That is an impossibility under the law of the church, and the relation is an adulterous one, just as stated by the Senator from Idaho.

Mr. BEVERIDGE. And the suggestion of the Senator from Idaho in answer is that the reason why they deposed him from his religious office and the reason why they sent him to the penitentiary for a criminal offense is that he did not marry the woman.

Mr. DUBOIS. Exactly; precisely.

Mr. BEVERIDGE. Then, according to that, the Senator from Idaho must go on and show that it is the habitual practice to persecute people out there if they do not contract polygamous marriages, which, of course, is reductio ad absurdum.

Mr. SUTHERLAND. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Utah?

Mr. HOPKINS. Certainly.

Mr. SUTHERLAND. If the Senator from Illinois will permit me, I will state that I am pretty familiar with the Harmer case referred to, although I do not now recall precisely what the evidence showed about it.

Mr. Harmer was a bishop in the county in which my colleague lives. It was very clearly shown when he was arrested that he had gone to Mexico and had married his plural wife there. By the way, Utah has a law upon the subject of polygamy, forbidding and punishing it. Mr. Harmer could not be prosecuted under the law of the State of Utah because the offense was not committed in that jurisdiction. The only thing for which he could be prosecuted was the crime of adultery. He was prosecuted for that.

Mr. BEVERIDGE. And sent to the penitentiary.

Mr. SUTHERLAND. Not only is that the fact, but I happen to know something further about it. My colleague himself spoke to one of the civil officers of the county, the sheriff of the county, whom I know very well. The sheriff of the county investigated the case. The sheriff was a Mormon. This man was arrested. He was prosecuted by a Mormon district attorney and was convicted before a Mormon judge and sent to the penitentiary for eighteen months. That is the history of the case.

Mr. BEVERIDGE. Upon the original information of the Senator from Utah himself.

Mr. SUTHERLAND. Yes. Not only that, but, as I am informed and as I have every reason to believe is the fact, after this man had been in the penitentiary for something less than a year, an effort was made to secure his pardon, and a petition was presented to my colleague, who declined to sign it. He declined to ask for the man's pardon.

As I say, I do not recall what the evidence was, but I state what I know about it because I happened to reside in Utah County at the time, within 6 miles of where it happened.

Mr. HOPKINS. I thank the Senator for giving us the information he has upon that subject, and I want to emphasize to the Senate a fact which appears in the evidence before the committee, and that is that the younger Mormons throughout the length and breadth of the State of Utah and wherever the Mormon Church is located are opposed to polygamy and polygamous cohabitation as much as is the Senator from Michigan himself.

That time and death will speedily end this blot upon the church and upon the civilization of our country as well is evidenced from the fact that in October, 1899, nine years after the first census had been taken, the number of polygamous families had been reduced to 1,543. Another investigation was made in May, 1902, as to the number of polygamous families in the Mormon Church, and the 1,543 families had dwindled to 897. At the time that this case was being considered by the Committee on Privileges and Elections it was stated without question by the leading counsel for Senator SMOOT that the number of polygamous families in existence to date had been reduced by death to about 500.

Mr. President, in the short space of sixteen or seventeen years the number of polygamous families in the Mormon Church has been reduced from 2,451 to 500. Those that remain are old men and old women, and in a few years the 500 will be entirely blotted out. Then the Mormon Church will stand forth freed not only from preaching and inculcating the doctrine of plural wives and polygamous cohabitation, but in the practice of the church it will be freed from having a solitary polygamous family within its fold.

I can understand how some fanatics may say that this method of dealing with this crime upon our civilization is too charitable and that the strong arm of the law should take these gray-haired offenders, both men and women, and punish them to the limit of the law. The experience of mankind, however, Mr. President, is entirely against such drastic measures. Persecution (or what seems to the prosecuted persecution) simply inflames the spirit of the martyr, and instead of stifling the offense or crime of polygamy, it stimulates the fanatics in the church to practice it and to preach it, believing that by so doing they are earning eternal salvation and a higher and better place near the throne of God.

The overwhelming sentiment in Utah and in the adjoining States where the Mormon Church exists is in favor of eliminating the last vestige of polygamous cohabitation in the church by time rather than the adoption of the drastic measures that I have already referred to. The leading Gentiles of Utah favor this plan. They believe it to be more humane and more effective than to make martyrs of those who still adhere to the plural wives taken by them prior to the manifesto of 1890. This problem of plural wives and polygamous cohabitation is one that our missionaries have met with in their missionary fields in the Orient.

In a book published in 1904 by Harlan P. Beach, entitled "In India and Christian Opportunity," in dealing with the general subject of problems connected with new converts, the author says, on page 222:

> *Polygamy.*—One difficulty in the way of receiving a professed convert, though affecting only a small percentage of candidates, is a most perplexing one; it is that of applicants who have more than one wife. As Hindoo or Mohammedan they have entered in good faith into marriage contracts with these wives, and if a man puts away all but one what provision shall be made for the rejected, and on what principle shall he decide as to the one to be retained? * * * Some good missionaries hold that where the husband is living the Christian life in all sincerity it is better to receive into the church such a candidate, though not eligible to any church office, than to require him to give up all but one wife and thus brand with illegitimacy his children by them, as well as occasion the wives so put away endless reproach and embarrassment.

The Rev. John P. Jones, D. D., in a book which he published in 1903, in treating of this same subject, said:

> If it be demanded of the man that he put away all but one of those wives taken in heathenism, then we ask whether it is Christian or even just to cast away one to whom he was solemnly and religiously pledged according to the laws of the land and with whom he has been linked in love and harmony for years, and from whom he has begotten children? * * * It is not easy, on Christian grounds, to decide such a problem as this; nor is it very Christian to put a ban upon any woman who, in accordance with their religion and their country's laws, has formed this sacred alliance with a man and has lived with him for years; nor can it be right to brand with illegitimacy the children born of such a wedlock.

I cite these authors, Mr. President, to show that men of liberal views, but sincere Christian spirit, find it difficult to meet and solve the problem among the converts to the Christian religion in the Orient. The highest authority on this subject counsels toleration and the recognition of the convert to the rights of the Christian church, although he may still hold to his plural wife.

These examples show the questions that our missionaries are

meeting with constantly. These men have been taught, from their experience in countries where polygamy is practiced, the doctrine of charity, and have recommended practically the same course toward the converts to Christianity—where these converts have plural wives—that has been adopted by the people of Utah and the other Western States where polygamy once held sway as a part of the doctrines and teachings of the Mormon Church.

It is not, however, for the Senate of the United States, Mr. President, to determine which course should be pursued to eliminate forever this last vestige of barbarism on the civilization of our times. We have only to deal with Senator SMOOT and his record, and that alone must determine our action. From the consideration that I have given to it, and for the reasons that I have here expressed, I feel, Mr. President, that I would be false to the oath that I have taken were I to vote to expel him from the Senate of the United States, and I shall, therefore, when the time comes for the Senate to determine this momentous question, cast my vote in favor of his retaining his seat.

Mr. CULLOM obtained the floor.

Mr. DUBOIS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Idaho?

Mr. DUBOIS. Just for a moment?

Mr. CULLOM. I can not yield. I have been yielding all day.

Mr. DUBOIS. Just a moment? I want to ask the junior Senator from Illinois a question.

The VICE-PRESIDENT. The Senator from Illinois has not yielded.

Mr. DUBOIS. I desire to ask your colleague a question.

Mr. CULLOM. The Senator may ask a question, but I can not yield for any length of time.

Mr. DUBOIS. I should like to ask the junior Senator from Illinois a question. I have not interrupted him during his very interesting discourse. He has referred a number of times to the testimony which shows that Senator SMOOT is an opponent of polygamy; that he does not believe in polygamy; that he differs with the president of his church in regard to that. I should like to ask the Senator from Illinois when he is revising his remarks to indicate where publicly at any time or place REED SMOOT has opposed polygamy in any form. Let him indicate in what part of the testimony such references can be found.

Mr. HOPKINS. I can not put in my speech any more than I have said, but I will say to the Senator that the proposition he has made here is one that he has discussed twenty, forty, or a hundred times before the committee. The whole life of Senator SMOOT is a protest against polygamy. Every act that he has engaged in, either in the church or outside of it, is a condemnation of it. It is not necessary for a man to go up and shake his fist in the face of another to show his disapproval. It is not necessary for Mr. SMOOT to stand up in the tabernacle and say, "I denounce President Smith" or this man or that man, to show that he is opposed to the practice of polygamy. His whole life, Mr. President, is what I put in evidence to show the fact that he is an opponent of the practice of polygamy, and the Senator from Idaho himself dare not stand upon this floor or say before any audience that knows the facts that REED SMOOT has not been a consistent and persistent opponent of the practice of polygamy,

Mr. DUBOIS. I do say so distinctly——

Mr. CULLOM. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Idaho?

Mr. CULLOM. I do not; not at present.

Mr. DUBOIS. The junior Senator from Illinois said this was in the testimony in regard to Senator SMOOT's opposition to polygamy. It is not a fact.

The VICE-PRESIDENT. The senior Senator from Illinois declines to yield.

Mr. CULLOM. There will be time hereafter to discuss this question.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

S. 10. An act granting an increase of pension to Roswell Prescott;

S. 123. An act granting an increase of pension to William M. Morgan;

S. 480. An act granting an increase of pension to Silas A. Reynolds;

S. 677. An act granting an increase of pension to Albert G. Peabody, jr.;

S. 679. An act granting an increase of pension to Thomas Kelly;

S. 768. An act granting an increase of pension to William H. Rhoads;

S. 771. An act granting an increase of pension to Samuel G. Kreidler;

S. 774. An act granting an increase of pension to August Krueger;

S. 831. An act granting an increase of pension to Isaac G. Clark;

S. 1240. An act granting an increase of pension to Dana W. Hartshorn;

S. 1257. An act granting an increase of pension to Patrick O'Day;

S. 1347. An act granting a pension to Martha W. Pollard;

S. 1493. An act granting an increase of pension to Cathrin Huff;

S. 1857. An act granting an increase of pension to William Vantilburgh;

S. 1891. An act granting an increase of pension to Charles F. M. Morgan;

S. 1941. An act granting an increase of pension to Elvira A. Kelly;

S. 2249. An act granting an increase of pension to George W. Smith;

S. 2541. An act granting an increase of pension to Thomas W. Murray;

S. 2563. An act granting a pension to Isaac Carter;

S. 2643. An act granting an increase of pension to James H. Thrasher;

S. 2669. An act granting an increase of pension to Winfield S. Ramsay;

S. 2734. An act granting an increase of pension to John R. Conyngham;

S. 2737. An act granting an increase of pension to Benjamin Hains;

S. 2749. An act granting an increase of pension to John H. Brooks;

S. 2794. An act granting an increase of pension to John H. Allison;

S. 3220. An act granting an increase of pension to Wilbur H. Clark;

S. 3221. An act granting an increase of pension to Robert Mills;

S. 3671. An act granting an increase of pension to Louis Castinette;

S. 3763. An act granting an increase of pension to Mary A. Baker;

S. 3767. An act granting an increase of pension to Samuel Turner;

S. 3931. An act granting an increase of pension to Fanny A. Pearsons;

S. 4032. An act granting an increase of pension to Solomon Craighton;

S. 4053. An act granting an increase of pension to William A. Smith;

S. 4127. An act granting an increase of pension to Samuel Paine;

S. 4389. An act granting an increase of pension to Florence B. Plato;

S. 4406. An act granting an increase of pension to Susan N. Fowler;

S. 4510. An act granting an increase of pension to Rufus C. Allen;

S. 4542. An act granting an increase of pension to Aaron Daniels;

S. 4771. An act granting an increase of pension to George R. Turner;

S. 4772. An act granting an increase of pension to Gertrude McNeil;

S. 4894. An act granting an increase of pension to Robert Ramsey;

S. 4909. An act granting an increase of pension to Louis Sidel;

S. 4979. An act granting an increase of pension to Don C. Smith;

S. 5067. An act granting an increase of pension to Martin Schultz;

S. 5073. An act granting an increase of pension to Daniel G. Smith;

S. 5084. An act granting a pension to John W. Connell;

S. 5138. An act granting a pension to Jane Metts;

S. 5156. An act granting an increase of pension to Granville F. North;
S. 5176. An act granting an increase of pension to Lewis C. Janes;
S. 5443. An act granting an increase of pension to James D. Merrill;
S. 5493. An act granting an increase of pension to Marcus Wood;
S. 5502. An act granting an increase of pension to John B. Coyle;
S. 5573. An act granting an increase of pension to Gustavus A. Thompson;
S. 5599. An act granting an increase of pension to Dennis Flaherty;
S. 5685. An act granting an increase of pension to James M. Jenkins;
S. 5693. An act granting an increase of pension to Margaret L. Houlihan;
S. 5725. An act granting an increase of pension to Alonzo S. Prather;
S. 5727. An act granting an increase of pension to Lucius Rumrill;
S. 5740. An act granting an increase of pension to Jared Ayer;
S. 5741. An act granting an increase of pension to Amelia M. Hawes;
S. 5771. An act granting a pension to Mary E. Thompson;
S. 5823. An act granting an increase of pension to Nelson Virgin;
S. 5826. An act granting an increase of pension to Isaac C. Phillips;
S. 5892. An act granting an increase of pension to Daniel W. Redfield;
S. 5963. An act granting an increase of pension to James Reed;
S. 5980. An act granting an increase of pension to Jacob Smith;
S. 6001. An act granting an increase of pension to Emily Killian;
S. 6005. An act granting an increase of pension to John G. Bridaham;
S. 6008. An act granting an increase of pension to Joseph Lamont;
S. 6019. An act granting a pension to Harriet O'Donald;
S. 6035. An act granting an increase of pension to John Fox;
S. 6051. An act granting an increase of pension to Mary A. Duncan;
S. 6052. An act granting an increase of pension to William E. Redmond;
S. 6131. An act granting an increase of pension to Frances A. Jepson;
S. 6163. An act granting an increase of pension to William H. Westcott;
S. 6186. An act granting an increase of pension to James L. Estlow;
S. 6203. An act granting an increase of pension to Francis W. Crommett;
S. 6230. An act granting an increase of pension to Nellie Paxton;
S. 6232. An act granting an increase of pension to John L. Anthony;
S. 6238. An act granting an increase of pension to Hugh S. Strain;
S. 6239. An act granting an increase of pension to Kate M. Miner;
S. 6250. An act granting an increase of pension to Alice G. Clark;
S. 6266. An act granting an incraese of pension to Paul Baker;
S. 6267. An act granting an increase of pension to Denis A. Manning;
S. 6347. An act granting an increase of pension to Edward R. Cunningham;
S. 6353. An act granting an increase of pension to Dolores S. Foster;
S. 6367. An act granting an increase of pension to Joseph Johnston;
S. 6368. An act granting an increase of pension to Sherrod Hamilton;
S. 6429. An act granting an increase of pension to Mary L. Beardsley;
S. 6438. An act granting an increase of pension to Martha J. Haller;
S. 6466. An act granting an increase of pension to Samuel Moser;
S. 6485. An act granting an increase of pension to Samuel Cook;
S. 6505. An act granting an increase of pension to Theodore M. Benton;
S. 6506. An act granting an increase of pension to Henry Z. Bowman;
S. 6514. An act granting an increase of pension to Alfred A. Stocker;
S. 6537. An act granting an increase of pension to William Eppinger;
S. 6538. An act granting an increase of pension to Betsey A. Hodges;
S. 6558. An act granting an increase of pension to Samuel A. Pearce;
S. 6560. An act granting an increase of pension to Reuben D. Dodge;
S. 6561. An act granting an increase of pension to George W. Blair;
S. 6568. An act granting an increase of pension to Wilbur F. Hodge;
S. 6569. An act granting an increase of pension to George Porter;
S. 6572. An act granting an increase of pension to Aaron L. Roberts;
S. 6574. An act granting an increase of pension to Maria H. Waggoner;
S. 6576. An act granting an increase of pension to Michael Meyers;
S. 6579. An act granting an increase of pension to Ezekiel Morrill;
S. 6580. An act granting an increase of pension to Ella B. Greene;
S. 6581. An act granting an increase of pension to Joseph W. Lowell;
S. 6583. An act granting an increase of pension to Abram P. Colby;
S. 6585. An act granting an increase of pension to Amos Ham;
S. 6586. An act granting an increase of pension to Wesley J. Ladd;
S. 6591. An act granting an increase of pension to Henry Campbell;
S. 6596. An act granting an increase of pension to Cyrus W. Cobb;
S. 6597. An act granting an increase of pension to Frank H. Read;
S. 6631. An act granting an increase of pension to George W. Hodgman;
S. 6632. An act granting an increase of pension to William Davis;
S. 6636. An act granting an increase of pension to Andrew J. Grover;
S. 6645. An act granting an increase of pension to Timothy C. Stilwell;
S. 6650. An act granting an increase of pension to John A. McGinty;
S. 6705. An act granting an increase of pension to Holmes Clayton;
S. 6707. An act granting an increase of pension to Stephen E. Lemon;
S. 6709. An act granting an increase of pension to Samuel Shawver;
S. 6712. An act granting an increase of pension to Orin Ingram;
S. 6714. An act granting an increase of pension to Joseph Bolshaw;
S. 6717. An act granting an increase of pension to Manasa T. Houser;
S. 6718. An act granting an increase of pension to Augustus L. Holbrook;
S. 6723. An act granting an increase of pension to Agusta P. Morgan;
S. 6767. An act granting an increase of pension to John C. Brown;
S. 6814. An act granting a pension to Alice Bosworth;
S. 6819. An act granting an increase of pension to Nelson Bigalow;
S. 6821. An act granting an increase of pension to Jonathan M. Adams;
S. 6822. An act granting an increase of pension to Christopher Christopherson;
S. 6824. An act granting an increase of pension to Byron Canfield;
S. 6825. An act granting an increase of pension to Thomas M. Roberts;

S. 6826. An act granting an increase of pension to Jacob Turner;

S. 6829. An act granting an increase of pension to Thomas P. Cheney;

S. 6881. An act granting an increase of pension to Jefferson Bush;

S. 6882. An act granting an increase of pension to Elisha H. Stephens;

S. 6883. An act granting an increase of pension to Thomas W. White;

S. 6885. An act granting an increase of pension to William H. Anderson;

S. 6942. An act granting an increase of pension to William B. Dow;

S. 6978. An act granting an increase of pension to Samuel Jackson;

S. 6997. An act granting an increase of pension to William Kennedy;

S. 7065. An act granting an increase of pension to Lovisa Donaldson;

S. 7077. An act granting an increase of pension to Mary E. Hattan; and

S. 7160. An act granting an increase of pension to Kate Myers.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. CULLOM. I move that the Senate proceed to the consideration of the bill (H. R. 21574) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes.

The motion was agreed to.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Oregon?

Mr. CULLOM. I yield to the Senator from Oregon, who I understand wishes to make a request.

REVISION OF UNITED STATES PENAL LAWS.

Mr. FULTON. I ask that the bill (S. 7709) to revise, codify, and amend the penal laws of the United States, as reported by the special committee, may be made the unfinished business. I do not wish to call it up now or to interfere with the appropriation bill, but simply that it may be made that order.

The VICE-PRESIDENT. The Senator from Oregon asks unanimous consent that Senate bill 7709 may be made the unfinished business. Is there objection?

Mr. BURROWS. What would be the effect of such an order, if adopted?

Mr. FULTON. I will say to the Senator that I will give way any time when the Senator wishes to bring up the Smoot case.

Mr. BURROWS. For the present I shall object.

Mr. KEAN. Let us go on with the regular order.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 21574) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes; which had been reported from the Committee on Appropriations with amendments.

Mr. CULLOM. I ask that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the amendments reported by the committee be considered as the reading progresses.

The VICE-PRESIDENT. The Senator from Illinois asks that the first formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered. Is there objection? The Chair hears none, and it is so ordered.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, on page 2, line 6, before the word "dollars," to strike out "two thousand two hundred and twenty" and insert "four thousand;" and in line 10, before the word "dollars," to strike out "five thousand seven hundred and sixty" and insert "seven thousand five hundred and forty;" so as to make the clause read:

Office of the Vice-President: For secretary to the Vice-President, $4,000; messenger, $1,440; telegraph operator, $1,500; telegraph page, $600; in all, $7,540.

The amendment was agreed to.

The next amendment was in the item of appropriation for the maintenance of the office of the Secretary of the Senate, on page 4, line 22, before the word "dollars," to strike out "one thousand four hundred and forty" and insert "two thousand;" and in line 23, before the word "dollars," to strike out "one thousand four hundred and forty" and insert "nine hundred;" so as to read:

Clerk to the Committee on Military Affairs, $2,220; assistant clerk, $2,000; messenger, $900.

The amendment was agreed to.

The next amendment was in the appropriation for the maintenance of the office of the Secretary of the Senate, on page 5, line 24, after the words "Executive Departments," to insert "Manufactures, University of the United States;" so as to read:

Organization, Conduct, and Expenditures of the Executive Departments, Manufactures, University of the United States.

The amendment was agreed to.

The next amendment was, on page 6, line 4, to increase the total appropriation for the maintenance of the office of the Secretary of the Senate from $127,780 to $132,240.

The amendment was agreed to.

The next amendment was, on page 6, after line 5, to insert:

For additional amount for the clerk to the Committee on Rules for revising and preparing for publication biennially, under the direction of the committee, the Senate Manual, $1,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 6, line 10, before the word "clerks," to strike out "twenty-one" and insert "twenty;" and in line 12, before the word "dollars," to strike out "thirty-seven thousand eight hundred" and insert "thirty-six thousand;" so as to make the clause read:

For twenty clerks to committees, at $1,800 each, $36,000.

The amendment was agreed to.

The next amendment was, on page 8, line 23, before the word "annual," to strike out "twenty-five" and insert "thirty-two;" and on page 9, line 2, before the word "dollars," to strike out "forty-five thousand" and insert "fifty-seven thousand six hundred;" so as to make the clause read:

For thirty-two annual clerks to Senators who are not chairmen of committees, at $1,800 each, $47,600.

The amendment was agreed to.

The next amendment was, in the item of appropriation for contingent expenses exclusive of labor, on page 10, line 4, to increase the appropriation from $50,000 to $100,000.

The amendment was agreed to.

The next amendment was, under the subhead "Capitol Police," on page 10, line 24, before the word "privates," to strike out "two special officers, at $1,200 each, sixty-seven" and insert "sixty-nine;" on page 11, line 1, before the word "dollars," to strike out "and fifty" and insert "one hundred;" and in line 5, before the word "dollars," to strike out "seventy-seven thousand nine hundred and fifty" and insert "eighty-one thousand one hundred;" so as to make the clause read:

For captain, $1,600, and three lieutenants, at $1,200 each, sixty-nine privates, at $1,100 each, one-half of said privates to be selected by the Sergeant-at-Arms of the Senate and one-half by the Sergeant-at-Arms of the House of Representatives; in all, $81,100, one half to be disbursed by the Secretary of the Senate and the other half to be disbursed by the Clerk of the House of Representatives.

The amendment was agreed to.

The next amendment was, under the subhead of "House of Representatives," on page 11, line 20, before the word "thousand," to strike out "eighty-seven" and insert "eighty-three;" so as to make the clause read:

For compensation of Members of the House of Representatives and Delegates from Territories, $1,983,000.

The amendment was agreed to.

The next amendment was, in the item of appropriation for clerks and messengers to committees, House of Representatives, on page 16, line 3, after the words "Invalid Pensions," to insert "Irrigation of Arid Lands;" so as to read:

For janitors for rooms of the Committees on Accounts, Agriculture, Banking and Currency, Claims, District of Columbia, Elections Nos. 1, 2, and 3, Foreign Affairs, Interstate and Foreign Commerce, Indian Affairs, Insular Affairs, Invalid Pensions, Irrigation of Arid Lands, Judiciary, Labor, Library, Merchant Marine and Fisheries, Military Affairs, Naval Affairs, Post-Office and Post-Roads, Pensions, Printing, Public Buildings and Grounds, Public Lands, Rivers and Harbors, Territories, and War Claims, at $720 each.

The amendment was agreed to.

The next amendment was, on page 16, line 15, to increase the total appropriation for clerks and messengers to committees, House of Representatives, from $110,440 to $111,160.

The amendment was agreed to.

The next amendment was, on page 19, line 17, before the word "hundred," to strike out "five" and insert "nine;" so as to make the clause read:

For the following minority employees authorized and named in the resolution adopted by the House of Representatives November 9, 1903, namely: One special employee, $1,500; two special messengers, at

$1,400 each, and one special chief page, $900, and $700 additional for services as pair clerk, and said special chief page shall be designated a deputy sergeant-at-arms; in all, $5,900.

The amendment was agreed to.

The next amendment was, under the head of "Government Printing Office," on page 23, line 23, before the word "thousand," to strike out "six" and insert "five;" in line 24, before the word "dollars," to strike out "six hundred" and insert "two hundred and fifty;" on page 24, line 3, after the word "messenger," to strike out "one telephone switchboard operator; two assistant telephone switchboard operators;" in line 5, before the word "dollars," to strike out "six hundred;" and in line 7, before the word "dollars," to strike out "twenty-four thousand nine hundred and ten" and insert "twenty-one thousand and forty;" so as to make the clause read:

Office of the Public Printer: Public Printer, $5,000; Deputy Public Printer, $3,250; private secretary, $2,250; stenographer, $1,000; cashier and paymaster, $2,500; paying teller, $2,000; one messenger; chief inspector and purchasing agent, $3,000; and one clerk of class 1; in all, $21,040.

The amendment was agreed to.

The next amendment was, on page 24, line 24, before the word "dollars," to strike out "five hundred" and insert "two hundred and fifty;" so as to make the clause read:

Office of foreman of presswork: Foreman of presswork, $2,250.

The amendment was agreed to.

The next amendment was, on page 25, line 2, before the word "dollars," to strike out "five hundred" and insert "two hundred and fifty;" so as to make the clause read:

Office of foreman of binding: Foreman of binding, $2,250.

The amendment was agreed to.

The next amendment was, on page 25, line 5, before the word "dollars," to strike out "five hundred" and insert "two hundred and fifty;" so as to make the clause read:

Office of the superintendent of supplies: Superintendent of supplies, $2,250.

The amendment was agreed to.

The next amendment was, under the subhead "Library of Congress," on page 27, line 10, before the word "hundred," to strike out "five" and insert "four;" and in line 12, before the word "hundred," to strike out "seven" and insert "six;" so as to make the clause read:

Binding: For assistant in charge, $1,400; assistant, $900; messenger boy, $360; in all, $2,660.

The amendment was agreed to.

The next amendment was, on page 28, line 25, before the word "hundred," to strike out "two" and insert "four;" and on page 29, line 3, before the word "hundred," to strike out "one" and insert "three;" so as to make the clause read:

Documents: For chief of division, $3,000; assistant, $1,400; stenographer and typewriter, $900; assistant, $720; messenger, $360; in all, $6,380.

The amendment was agreed to.

The next amendment was, on page 29, line 11, before the word "hundred," to strike out "two" and insert "four;" and in line 14, after the word "thousand," to insert "two hundred;" so as to make the clause read:

Maps and charts: For chief of division, $3,000; assistant, $1,400; two assistants, at $900 each; assistant, $720; messenger boy, $360; in all, $7,280.

The amendment was agreed to.

The next amendment was, on page 29, line 22, before the word "hundred," to strike out "two" and insert "four;" and in line 24, before the word "hundred," to strike out "three" and insert "five;" so as to make the clause read:

Prints: For chief of division, $2,000; assistant, $1,400; two assistants, at $900 each; messenger, $360; in all, $5,560.

The amendment was agreed to.

The next amendment was, on page 30, line 2, before the word "hundred," to strike out "five" and insert "four;" and in line 5, before the word "and," to strike out "four thousand" and insert "three thousand nine hundred;" so as to make the clause read:

Smithsonian deposit: For custodian, $1,500; assistant, $1,400; messenger, $720; messenger boy, $360; in all, $3,980.

The amendment was agreed to.

The next amendment was, on page 32, after line 23, to strike out:

Indexes, digests, and compilations of law: To continue the preparation of a new index to the Statutes at Large, in accordance with a plan approved by the Judiciary Committees of both Houses of Congress and to prepare such other law indexes, digests, and compilations of law as may be required for Congress and other official use, namely: For one assistant, $1,800; one assistant, $1,200; one assistant, $900; two assistants, at $720 each; and $500 additional compensation to the law librarian; in all, $5,840.

The amendment was agreed to.

The next amendment was, under the head of "Executive," on page 35, line 18, before the word "thousand," to strike out "twelve" and insert "eight;" so as to make the clause read:

For compensation of the Vice-President of the United States, $8,000.

Mr. KEAN. Let that amendment be passed over for the present.

Mr. CULLOM. It might as well be acted on now. The same amendment is made in the case of all the members of the Cabinet.

Mr. KEAN. I have no objection, then, to action on it.

The amendment was agreed to.

The next amendment was, under the head of "Civil Service Commission," on page 36, line 22, before the word "dollars," to strike out "three thousand five hundred" and insert "four thousand;" and on page 37, line 11, before the word "hundred," to strike out "sixty-four thousand one" and insert "sixty-five thousand six;" so as to make the clause read:

For three Commissioners, at $4,000 each; chief examiner, $3,000; secretary, $2,500; assistant chief examiner, $2,250; two chiefs of division, at $2,000 each; three examiners, at $2,000 each; six clerks of class 4; thirteen clerks of class 3; twenty-two clerks of class 2; twenty-six clerks of class 1; twenty clerks, at $1,000 each; ten clerks, at $900 each; five clerks, at $840 each; one messenger; engineer, $840; one telephone switchboard operator; two firemen; two watchmen; one elevator conductor, $720; three laborers; and three messenger boys, at $360 each; in all, $165,610.

The amendment was agreed to.

The next amendment was, on page 37, line 13, after the word "For," to insert "one examiner, $2,400;" in line 14, before the word "examiners," to strike out "three" and insert "two;" and in line 23, before the word "hundred," to strike out "one" and insert "three;" so as to make the clause read:

Field force: For one examiner, $2,400; two examiners, at $2,200 each; four examiners, at $2,000 each; two examiners, at $1,800 each; one clerk of class 4; one clerk of class 3; one clerk of class 1; seven clerks, at $1,000 each; six clerks, at $900 each; one messenger; five clerks, at $840 each; two clerks, at $720 each; one messenger boy, $480; in all, $42,360.

The amendment was agreed to.

The next amendment was, under the head of "Department of State," on page 38, line 20, before the word "thousand," to strike out "twelve" and insert "eight;" on page 39, line 4, after the word "respectively," to insert "two chiefs of bureaus, at $2,500 each;" in line 5, before the word "chiefs," to strike out "eight" and insert "six;" in line 7, before the word "dollars," to strike out "one hundred" and insert "two hundred and fifty;" in line 12, before the word "dollars," to strike out "two hundred and fifty" and insert "one hundred;" and in line 22, before the word "dollars," to strike out "thirty-four thousand four hundred and fifty" and insert "thirty-two thousand;" so as to make the clause read:

For compensation of the Secretary of State, $8,000; Assistant Secretary, $4,500; Second and Third Assistant Secretaries, at $4,500 each; chief clerk, $3,000; two assistant solicitors of the Department of State, to be appointed by the Secretary of State, at $3,000 each; law clerk, and assistant, to be selected and appointed by the Secretary of State, to edit the laws of Congress and perform such other duties as may be required of them, at $2,500 and $1,500, respectively; two chiefs of bureaus, at $2,500 each; six chiefs of bureaus, at $2,250 each; two translators, at $2,100 each; additional to Chief of Bureau of Accounts as disbursing clerk, $200; private secretary to the Secretary, $2,500; clerk to the Secretary of State, $2,100; fifteen clerks of class 4; fourteen clerks of class 3; twenty-one clerks of class 2; thirty-four clerks of class 1, two of whom shall be telegraph operators; eleven clerks, at $1,000 each; fifteen clerks, at $900 each; chief messenger, $1,000; five messengers; twenty-two assistant messengers; messenger boy, $420; packer, $720; four laborers, at $600 each; one telephone switchboard operator; one assistant telephone switchboard operator; in all, $232,000.

The amendment was agreed to.

The next amendment was, on page 39, after line 22, to insert:

For amount for emergency clerical services, to be expended by the Secretary of State in his discretion, $2,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 40, line 6, before the word "dollars," to strike out "one thousand five hundred" and insert "two thousand;" so as to make the clause read:

For books and maps, and periodicals, domestic and foreign, for the library, $2,000.

The amendment was agreed to.

The next amendment was, on page 40, line 16, before the words "District of Columbia," to strike out "the building known as the War College, Lafayette square, Washington," and insert "building in the;" so as to make the clause read:

For rent of building in the District of Columbia, for the use of the Department of State, $3,000.

The amendment was agreed to.

The next amendment was, under the head of "Treasury Department," on page 40, line 21, before the word "thousand," to strike out "twelve" and insert "eight;" and on page 41, line 6,

before the word "thousand," to strike out "fifty-four" and insert "fifty;" so as to make the clause read:

Office of the Secretary: For compensation of the Secretary of the Treasury, $8,000; three Assistant Secretaries of the Treasury, at $4,500 each; clerk to the Secretary, $2,500; stenographer, $1,800; three private secretaries, one to each Assistant Secretary, at $1,800 each; Government actuary, under control of the Treasury, $2,250; examiner, $2,000; one clerk of class 4; four clerks of class 3; two clerks of class 2; four messengers; and one laborer; in all, $50,470.

The amendment was agreed to.

The next amendment was, on page 44, line 9, before the word "dollars," to strike out "two thousand seven hundred and fifty" and insert "three thousand;" and in line 17, before the word "dollars," to strike out "forty-one thousand nine hundred and fifty" and insert "forty-two thousand two hundred;" so as to make the clause read:

Division of appointments: For chief of division, $3,000; assistant chief of division, $2,000; executive clerk, $2,000; law and bond clerk, $2,000; three clerks of class 4; three clerks of class 3; five clerks of class 2; six clerks of class 1; four clerks, at $1,000 each; two clerks, at $900 each; one messenger; three assistant messengers; in all, $42,200.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the Division of Loans and Currency, Treasury Department, on page 45, line 7, before the word "counters," to strike out "money;" so as to read:

Eighteen clerks, at $900 each; thirteen expert counters, at $720 each.

The amendment was agreed to.

The next amendment was, on page 45, line 20, after the word "each," to insert "messenger;" in line 21, after the word "and," to strike out "two laborers" and insert "one laborer;" and in line 22, before the word "dollars," to strike out "seven hundred and twenty" and insert "nine hundred;" so as to make the clause read:

Division of Revenue-Cutter Service: For assistant chief of division, $2,400; one clerk of class 4; five clerks of class 3; two clerks of class 2; three clerks of class 1; two clerks, at $1,000 each; two clerks, at $900 each; messenger; and one laborer; in all, $23,900.

The amendment was agreed to.

The next amendment was, on page 46, line 1, before the word "clerks," to strike out "four" and insert "five;" and in line 7, before the word "hundred," to strike out "thirty-eight thousand six" and insert "forty thousand two;" so as to make the clause read:

Division of printing and stationery: For chief of division, $2,500; assistant chief of division, $2,000; four clerks of class 4; five clerks of class 3; three clerks of class 2; one clerk of class 1; one clerk, $1,000; two clerks, at $900 each; three messengers; one assistant messenger; one laborer; foreman of bindery, at $6 per day; four binders, at $4 per day each; and two sewers and folders, at $2.50 per day each; in all, $42,278.

The amendment was agreed to.

The next amendment was, on page 48, line 12, before the word "thousand," to strike out "two hundred and fifty" and insert "three hundred;" so as to make the proviso read:

Provided, That the expenditures on this account for the fiscal year ending June 30, 1908, shall not exceed $300,000; and that the Secretary of the Treasury shall each year in the annual estimates report to Congress the number of persons so employed, their duties, and the amount paid to each.

The amendment was agreed to.

The next amendment was, on page 49, line 23, before the word "clerks," to strike out "fifty-one" and insert "fifty;" and on page 50, line 6, before the word "hundred," to strike out "ninety-two thousand eight" and insert "ninety-one thousand two;" so as to make the clause read:

Office of Auditor for War Department: For Auditor, $4,000; Deputy Auditor, $2,500; law clerk, $2,000; six chiefs of division, at $2,000 each; twenty-four clerks of class 4; additional to one clerk as disbursing clerk, $200; fifty clerks of class 3; seventy-one clerks of class 2; eighty-three clerks of class 1; twenty clerks, at $1,000 each; fourteen clerks, at $900 each; skilled laborer, $900; three clerks, at $840 each; one messenger; five assistant messengers; and twelve laborers; in all, $391,280.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the maintenance of office of Auditor for the Post-Office Department, on page 52, line 1, after the word "female," to strike out "operatives" and insert "skilled laborers;" and in line 5, after the word "female," to strike out the word "operatives" and insert "skilled laborers;" so as to read:

Fifteen female skilled laborers who have had experience in the Bureau of Engraving and Printing as money, stamp, or paper counters, at $720 each; sixty-five skilled laborers, at $660 each; fifteen female skilled laborers who have had experience in the Bureau of Engraving and Printing as money, stamp, or paper counters, at $660 each.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the office of Treasurer of the United States, on page 52, line 20, after the word "each," to strike out "assistant chief of division, $2,250" and insert "two assistant chiefs of division at $2,250 each;" so as read:

Seven chiefs of division, at $2,500 each; two assistant chiefs of division, at $2,250 each.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the office of Treasurer of the United States, on page 53, line 5, before the word "clerks," to strike out "twenty-five" and insert "twenty-four;" so as to read:

Clerk for the Treasurer, $1,800; twenty-four clerks of class 4; eighteen clerks of class 3.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the office of the Treasurer of the United States, on page 53, line 20, after the word "each," to strike out "compositor and pressman, $1,400," and insert "bond clerk, $1,600;" in line 22, before the word "hundred," to strike out "nine" and insert "one thousand one;" and in line 24, before the word "dollars," to strike out "thirty-two thousand seven hundred and thirty" and insert "thirty-three thousand five hundred and eighty;" so as to read:

Twenty feeders, at $660 each; bond clerk, $1,600; machinist, $1,100; in all, $433,580.

The amendment was agreed to.

The next amendment was, on page 55, line 6, after the word "dollars," to insert "one chief of division, $2,500;" in line 7, before the word "chiefs," to strike out "three" and insert "two;" in line 16, before the word "dollars," to strike out "six hundred and sixty" and insert "seven hundred;" and in line 19, before the word "dollars," to strike out "five hundred" and insert "nine hundred and twenty;" so as to make the clause read:

Office of the Comptroller of the Currency: For Comptroller of the Currency, $5,000; Deputy Comptroller, $3,500; chief clerk, $2,500; one chief of division, $2,500; two chiefs of division, at $2,200 each; bookkeeper, $2,000; assistant bookkeeper, $2,000; eight clerks of class 4; additional to bond clerk, $200; stenographer, $1,600; thirteen clerks of class 3; thirteen clerks of class 2; thirteen clerks of class 1; thirteen clerks, at $1,000 each; thirteen clerks, at $900 each; three counters, at $700 each; one messenger; four assistant messengers; three laborers; and two messenger boys, at $360 each; in all, $125,920.

The amendment was agreed to.

The next amendment was, on page 56, line 2, before the word "dollars," to strike out "six hundred and sixty" and insert "seven hundred;" in line 5, before the word "dollars," to strike out "three hundred and eighty" and insert "five hundred;" so as to make the clause read:

For expenses of the national currency (to be reimbursed by the national banks), namely: For superintendent, $2,500; teller, $2,000; one clerk of class 4; one clerk of class 3; three clerks of class 2; five clerks of class 1; four clerks, at $1,000 each; engineer, $1,000; five clerks, at $900 each; three counters, at $700 each; one fireman; one messenger boy, $360; and one assistant messenger; in all, $31,500.

The amendment was agreed to.

The next amendment was, on page 59, line 5, before the word "duties," to strike out "routine;" so as to read:

Secret Service Division: For one chief, $4,000; assistant chief, who shall discharge the duties of a chief clerk, $3,000.

The amendment was agreed to.

The next amendment was, on page 64, line 6, before the word "thousand," to strike out "three" and insert "four;" so as to make the clause read:

Contingent and miscellaneous expenses, office of Auditor for the Post-Office Department, namely: For miscellaneous items, including exchange of typewriting machines, of which not exceeding $375 may be used for rental of telephones, and not exceeding $200 may be used for the purchase of law books, books of reference, and city directories, $4,500.

The amendment was agreed to.

The next amendment was, on page 64, line 7, before the word "dollars," to strike out "five hundred" and insert "one thousand;" so as to make the clause read:

For carpets and repairs, $1,000.

The amendment was agreed to.

The next amendment was, on page 64, line 11, before the word "dollars," to strike out "eight thousand" and insert "nine thousand five hundred;" so as to make the clause read:

In all, $9,500, to be expended under the direction of the Auditor for the Post-Office Department under rules and regulations to be prescribed by the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was, under the subhead "Independent Treasury," on page 67, line 2, before the word "dollars," to strike out "one thousand eight hundred" and insert "two thousand;" in line 3, before the word "dollars," to strike out "one thousand eight hundred" and insert "two thousand;" in line 5, before the word "dollars," to strike out "one thousand eight hundred"

and insert "two thousand;" in line 7, before the word "dollars," to strike out "one thousand seven hundred" and insert "two thousand;" in the same line, before the word "hundred," to strike out "six" and insert "eight;" in line 10, before the word "hundred," to strike out "five" and insert "six;" in line 12, after the word "each," to insert "six clerks, at $1,500 each;" in line 13, before the word "clerks," to strike out "twenty-six" and insert "twenty;" in line 16, before the word "dollars," to strike out "nine hundred" and insert "one thousand;" and in line 19, before the word "hundred," to strike out "sixty-nine thousand four" and insert "seventy-two thousand seven;" so as to make the clause read:

Office of assistant treasurer at Chicago: For assistant treasurer, $5,000; cashier, $3,000; vault clerk, $2,000; paying teller, $2,000; assorting teller, $1,800; silver and redemption teller, and change teller, at $2,000 each; receiving teller, $2,000; clerk, $1,800; bookkeeper, $1,800; two bookkeepers, at $1,500 each; assistant paying teller, $1,600; four coin, coupon, and currency clerks, at $1,500 each; six clerks, at $1,500 each; twenty clerks, at $1,200 each; one detective and hall man, $1,100; messenger, $840; stenographer, $1,000; janitor, $600; and three watchmen, at $720 each; in all, $72,700.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the maintenance of the office of assistant treasurer at New York, on page 69, line 3, after the word "dollars," to strike out "two chiefs of division, at $2,700 each; chief of division, $2,600," and insert "two chiefs of division, at $3,000 each; one chief of division, $2,700;" so as to read:

Two chiefs of division, at $3,100 each; chief paying teller, $3,000; two chiefs of division, at $3,000 each; one chief of division, $2,700; chief of division, and chief bookkeeper, at $2,400 each.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the maintenance of office of the Assistant Treasurer at New York, on page 70, line 11, before the word "engineers," to strike out "two" and insert "three;" in the same line, after the word "each," to strike out "assistant engineer, $820;" and in line 15, before the word "dollars," to strike out "five thousand five hundred and eighty" and insert "six thousand five hundred and ten;" so as to read:

Assistant detective, $1,200; three engineers, at $1,050 each; eight watchmen, at $720 each; in all, $206,510.

The amendment was agreed to.

The next amendment was, under the head of "Mints and Assay Offices," on page 73, line 1, after the word "each," to insert "clerk, $1,000;" and in line 2, before the word "thousand," to strike out "five" and insert "six;" so as to make the clause read:

Mint at Carson, Nev.: For assayer in charge, who shall also perform the duties of melter, $2,000; assistant assayer, and one clerk, at $1,500 each; clerk, $1,000; in all, $6,000.

The amendment was agreed to.

The next amendment was, on page 73, line 15, before the word "hundred," to strike out "six" and insert "eight;' and in line 20, before the word "hundred," to strike out "thirty-eight thousand seven" and insert "thirty-nine thousand one;" so as to make the clause read:

Mint at Denver, Colo.: For superintendent, $4,500; assayer, melter and refiner, and coiner, at $3,000 each; chief clerk and cashier, at $2,500 each; weigh clerk and bookkeeper, at $2,000 each; assistant assayer, assistant smelter and refiner, and assistant coiner, at $2,000 each; abstract clerk and warrant clerk, at $1,800 each; assistant weigh clerk and calculating clerk, at $1,600 each; calculating clerk, $1,400; and two clerks, at $1,200 each; in all $39,100.

The amendment was agreed to.

The next amendment was, on page 74, line 24, before the word "dollars," to strike out "four thousand" and insert "three thousand five hundred;" and on page 75, line 9, after the word "thousand," to strike out "five hundred;" so as to make the clause read:

Mint at Philadelphia: For superintendent, $4,500; engraver, $3,500; assayer, melter and refiner, and coiner, at $3,000 each; chief clerk, $2,750; assistant assayer, assistant melter and refiner, and assistant coiner, at $2,000 each; cashier, and bookkeeper, at $2,500 each; abstract clerk, and weigh clerk, at $2,000 each; cashier's clerk, warrant clerk, and register of deposits, at $1,700 each; assistant weigh clerk, and assayer's computation clerk, at $1,600 each; in all, $43,050.

The reading was continued to line 2 on page 77, the last item read being as follows:

Assay office at Charlotte, N. C.: For assayer and melter, $1,500; assistant assayer, $1,250; in all $2,750.

Mr. CULLOM. In line 1, on page 77, after the word "thousand," the words "two hundred and fifty" ought to be stricken out and "eight hundred" put in their place.

Mr. OVERMAN. Ought it not to be $1,500 instead of $1,800?

Mr. CULLOM. And let the total be changed to $3,300.

Mr. OVERMAN. It should be $3,000, and for assistant assayer $1,500 instead of $1,250; in all $3,000.

Mr. CULLOM. Yes; $3,000 instead of $3,300.

Mr. WARREN. It should be $1,500 instead of $1,800.

The VICE-PRESIDENT. The Senator from Illinois will please restate his amendment.

Mr. CULLOM. In line 1, on page 77, "$1,250" should read "$1,500" as the salary of assistant assayer.

Mr. OVERMAN. That is right.

Mr. CULLOM. Then the total should be changed from $3,300, which I gave the clerks, to $3,000.

Mr. OVERMAN. That is right.

The VICE-PRESIDENT. The amendment will be stated by the Secretary.

The SECRETARY. On page 77, line 1, after the words "one thousand," strike out "two hundred and fifty" and insert in lieu the words "five hundred;" so as to read: "Assistant assayer, $1,500."

The amendment was agreed to.

The SECRETARY. In line 2 strike out the word "two" where it appears before the word "thousand" and insert "three;" and after the word "thousand" strike out the words "seven hundred and fifty," leaving the total "in all, $3,000."

The amendment was agreed to.

The reading of the bill was continued to page 79, line 12, in the items for assay office at Seattle, Wash.

Mr. CULLOM. On line 10, page 79, the word "twelve" ought to be stricken out before "thousand" and "fourteen" inserted; so as to make the paragraph read:

For wages for workmen, and not exceeding $14,000 for other clerks and employees, $30,020.

The amendment was agreed to.

The reading of the bill was continued. The next amendment was, under the subhead "Government in the Territories," on page 79, line 23, after the word "dollars," to insert "traveling expenses of the governor on official business not to exceed $500;" and on page 80, line 2, before the word "dollars," to insert "five hundred;" so as to make the clause read:

For incidental and contingent expenses, clerk hire, not to exceed $2,000, traveling expenses of the governor on official business not to exceed $500, rent of office and quarters in Juneau, stationery, lights, and fuel, to be expended under the direction of the governor, $5,500.

The amendment was agreed to.

The next amendment was, on page 80, line 9, after the word "Territory," to insert "including not to exceed $500 for traveling expenses of the governor while absent from the capital on official business;" and in line 13, before the word "dollars," to insert "five hundered;" so as to make the clause read:

For contingent expenses of the Territory, including not to exceed $500 for traveling expenses of the governor while absent from the capital on official business, to be expended by the governor, $1,500.

The amendment was agreed to.

The next amendment was, on page 80, line 23, after the word "Territory," to insert "including not to exceed $500 for traveling expenses of the governor while absent from the capital on official business;" and on page 81, line 2, before the word "dollars," to insert "five hundred;" so as to make the clause read:

For contingent expenses of Territory, including not to exceed $500 for traveling expenses of the governor while absent from the capital on official business, to be expended by the governor, $1,500.

The amendment was agreed to.

The next amendment was, under the head of War Department, on page 81, line 25, before the word "thousand," to strike out "twelve" and insert "eight;" so as to read:

Office of the Secretary: For compensation of the Secretary of War, $8,000.

The amendment was agreed to.

The next amendment was, in the item of appropriation for maintenance of the office of the Secretary of War, on page 82, line 19, after the word "dollars," to strike out "two carpenters, at $900 each," and insert "one carpenter, $900; one skilled laborer, $900;" in line 22, before the word "assistant," to strike out "seven" and insert "eight;" in line 23, after the word "operator," to strike out "one assistant telephone switchboard operator" and insert "one assistant messenger, $660," so as to read:

Chief messenger, $1,000; one carpenter, $900; one skilled laborer, $900; six messengers; eight assistant messengers; one telephone switchboard operator; one assistant messenger, $660.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the maintenance of the office of the Secretary of War, on page 83, line 6, after the word "one," to strike out "telephone operator" and insert "assistant messenger;" and in line 12, before the

word "dollars," to strike out "forty-two thousand five hundred and sixty" and insert "thirty-nine thousand four hundred and forty;" so as to read:

One assistant messenger, $480; two elevator conductors, one at $640 and one at $470; four charwomen; in all, $139,440.

The amendment was agreed to.

The next amendment was, on page 84, line 11, before the word "dollars," to strike out "chief clerk, two thousand" and insert "chief clerk and solicitor, two thousand two hundred and fifty;" and in line 16, before the word "dollars," to strike out "six hundred" and insert "eight hundred and fifty;" so as to make the clause read:

Office of the Judge-Advocate-General: For chief clerk and solicitor, $2,250; one clerk of class 4; two clerks of class 3; one clerk of class 2; five clerks of class 1; two clerks, at $1,000 each; two copyists; two messengers; and one assistant messenger; in all, $20,850.

The amendment was agreed to.

The next amendment was, on page 86, line 18, before the word "clerks," to strike out "four" and insert "five;" in the same line, before the word "clerks," to strike out "six" and insert "five;" in line 20, after the word "each," to insert "messenger;" in line 24, before the word "assistant," to strike out "three" and insert "two;" and in line 23, before the word "dollars," to strike out "one hundred and twenty" and insert "four hundred and forty;" so as to make the clause read:

Office of the Commissary-General: For chief clerk, $2,000; three clerks of class 4; five clerks of class 3; five clerks of class 2; twenty clerks of class 1; sixteen clerks, at $1,000 each; nine clerks, at $900 each; messenger; two assistant messengers; one laborer; in all, $73,440.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the maintenance of the office of the Surgeon-General, on page 87, line 7, after the word "dollars," to insert "two messengers;" in line 8, before the word "assistant," to strike out "twelve" and insert "ten;" and in line 17, before the word "dollars," to strike out "three hundred and eighty-six" and insert "six hundred and twenty-six;" so as to read:

Skilled mechanic, $1,000; two messengers; ten assistant messengers; three watchmen; superintendent of building (Army Medical Museum and Library), $250; six laborers; chemist, $2,088; principal assistant librarian, $2,088; pathologist, $1,800; microscopist, $1,800; assistant librarian, $1,800; four charwomen; in all, $164,626.

The amendment was agreed to.

The next amendment was, on page 87, line 20, before the word "clerks," to strike out "six" and insert "seven;" in the same line, before the word "clerks," to strike out "eleven" and insert "twelve;" in line 21, before the word "clerks," to strike out "ten" and insert "eleven;" and in line 25, before the word "hundred," to strike out "sixty-seven thousand seven" and insert "seventy-one thousand nine;" so as to make the clause read:

Office of the Paymaster-General: For chief clerk, $2,000; six clerks of class 4; seven clerks of class 3; twelve clerks of class 2; eleven clerks of class 1; five clerks, at $1,000 each; nine clerks, at $900 each; one messenger; one assistant messenger; four laborers; one laborer, $600; in all, $71,900.

The amendment was agreed to.

The next amendment was, under the head of "Public buildings and grounds," on page 91, line 13, before the word "hundred," to strike out "four" and insert "two;" and in line 15, before the word "hundred," to strike out "three" and insert "one;" so as to make the clause read:

Office of public buildings and grounds: For one assistant engineer, $2,400; assistant and chief clerk, $2,400; one clerk of class 4; one clerk of class 3; clerk and stenographer, $1,400; one messenger; landscape gardener, $2,200; surveyor and draftsman, $1,500; in all, $14,140.

The amendment was agreed to.

The next amendment was, under the head of "Navy Department," on page 94, line 19, before the word "thousand," to strike out "twelve" and insert "eight;" on page 95, line 4, before the word "hundred," to strike out "one" and insert "two;" and in line 11, before the word "hundred," to strike out "sixty-eight thousand four" and insert "sixty-four thousand five;" so as to make the clause read:

Office of the Secretary: For compensation of the Secretary of the Navy, $8,000; Assistant Secretary of the Navy, $4,500; chief clerk, $3,000; private secretary to Secretary, $2,500; clerk to Secretary, $2,250; disbursing clerk, $2,250; four clerks of class 4; stenographer, $1,800; three clerks of class 2; four clerks of class 1; stenographer, $1,200; one clerk, $1,100; five clerks, at $1,000 each; telegraph operator, $1,200; two copyists; carpenter, $900; four messengers; four assistant messengers; four laborers; three messenger boys, at $600 each; one messenger boy, $420; one messenger boy, $400; one telephone switch board operator; one assistant telephone switch board operator; in all, $64,520.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the maintenance of the Hydrographic Office, on page 98, line 21, before the word "hundred," to strike out "two" and insert "four;" so as to read:

Editor of Notice to Mariners, $1,600; one computer, $1,400; three draftsmen, at $1,800 each.

The amendment was agreed to.

Mr. CULLOM. On page 99, line 6, before the word "engravers," I move to strike out "two" and insert "five;" in line 7, before the word "engravers," to strike out "four" and insert "three;" and after the word "each," in line 8, to strike out the remainder of that line down to and including the word "dollars," in the middle of line 9.

The VICE-PRESIDENT. The amendment proposed by the Senator from Illinois will be stated.

The SECRETARY. On page 99, line 6, before the word "engravers," it is proposed to strike out "two" and insert "five;" in line 7, before the word "engravers," to strike out "four" and insert "three;" and in line 8, after the word "each" where it first appears, to strike out "two engravers, at $900 each; one engraver, $800."

Mr. CULLOM. I will state that the amendment which I have proposed does not at all change the total.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 100, line 3, to increase the total appropriation for the maintenance of the Hydrographic Office from $101,800 to $102,000.

The amendment was agreed to.

The next amendment was, on page 101, line 6, before the word "dollars," to strike out "thirty thousand five hundred" and insert "twelve thousand five hundred and forty;" so as to make the clause read:

Contingent expenses of branch offices at Boston, New York, Philadelphia, Baltimore, Norfolk, Savannah, New Orleans, San Francisco, Portland (Oreg.), Portland (Me.), Chicago, Cleveland, Port Townsend, Buffalo, Duluth, Sault Ste. Marie, and Galveston, including furniture, fuel, lights, stationery, miscellaneous articles, rent and care of offices, care of time balls, car fare and ferriage in visiting merchant vessels, freight and express charges, telegrams, and other necessary expenses incurred in collecting the latest information for the Pilot Chart, and for other purposes for which the offices were established, $12,540.

The amendment was agreed to.

The next amendment was, on page 101, after line 6, to insert:

For services of necesary employees at branch offices, $17,960.

The amendment was agreed to.

The next amendment was, on page 103, line 11, before the word "dollars," to strike out "seven thousand five hundred" and insert "eight thousand;" so as to make the clause read:

For fuel, oil, grease, tools, pipe, wire, and other materials needed for the maintenance and repair of boilers, engines, heating apparatus, electric lighting and power plant, and water-supply system; purchase and maintenance of teams; material for boxing nautical instruments for transportation; paints, telegraph and telephone service, and incidental labor, $8,000.

The amendment was agreed to.

The next amendment was, under the head of "Department of the Interior," on page 108, line 16, before the word "thousand," to strike out "twelve" and insert "eight;" so as to read:

Office of the Secretary: For compensation of the Secretary of the Interior, $8,000.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the maintenance of the office of the Secretary of the Interior, on page 110, line 2, before the word "clerks," to strike out "twenty-five" and insert "twenty-six;" and in line 3, before the word "clerks," to strike out "thirty-six" and insert "thirty-five;" so as to read:

Sixteen clerks of class 3; twenty-six clerks of class 2; thirty-five clerks of class 1, two of whom shall be stenographers or typewriters.

The amendment was agreed to.

The next amendment was, on page 111, line 4, to reduce the total appropriation for the maintenance of the office of the Secretary of the Interior from $357,690 to $353,890.

The amendment was agreed to.

The next amendment was, on page 111, line 9, before the word "hundred," to strike out "six" and insert "four;" and in line 16, before the word "hundred," to strike out "three" and insert "one;" so as to make the clause read:

For employees, for the proper protection, heating, care, and preservation of the old Post-Office Department building, occupied by the Department of the Interior, namely: One engineer, $1,400; assistant engineer, $1,000; four firemen; three watchmen, acting as lieutenants, at $840 each; twenty watchmen; conductor of elevator, $720; fourteen laborers; nine laborers, at $480 each; three skilled mechanics (painter, carpenter, and plumber), at $900 each; in all, $39,180.

The amendment was agreed to.

The next amendment was, on page 114, line 7, after the word

"inspectors," to strike out "and of clerks detailed;" so as to make the clause read:

For per diem in lieu of subsistence of inspectors to investigate fraudulent land entries, trespasses on the public lands, and cases of official misconduct, while traveling on duty, at a rate to be fixed by the Secretary of the Interior, not exceeding $3 per day, and for actual necessary expenses of transportation, including necessary sleeping-car fares, and for employment of stenographers and other assistants when necessary to the efficient conduct of examinations, and when authorized by the Commissioner of the General Land Office, $7,000.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the maintenance of the Patent Office, on page 120, line 17, after the word "each," to strike out "additional to one chief of division in charge of the Official Gazette, $250;" in line 21, after the word "clerk," to insert "machinist, $1,600;" on page 121, line 2, before the word "permanent," to strike out "sixty-two" and insert "fifty-seven;" in the same line, after the word "clerks," to strike out "including five heretofore designated model attendants;" in line 4, after the word "each," to insert "five model attendants, at $1,000 each;" in line 7, after the word "ten," to strike out "clerks heretofore designated;" in line 11, before the word laborers," to strike out "forty-eight" and insert "fifty;" and in line 15, before the word "dollars," to strike out "sixty-five thousand seven hundred" and insert "sixty-eight thousand and ten;" so as to read:

Six chiefs of division, at $2,000 each; three assistant chiefs of division, at $1,800 each; seven clerks of class 4, one of whom shall act as application clerk; machinist, $1,600; seven clerks of class 3, one of whom shall be translator of languages; fifteen clerks of class 2; seventy clerks of class 1; skilled laborers, $1,200; three skilled draftsmen, at $1,200 each; four draftsmen, at $1,000 each; fifty-seven permanent clerks, at $1,000 each; five model attendants, at $1,000 each; messenger and property clerk, $1,000; 106 copyists, seven of whom may be copyists of drawings; ten model attendants, at $800 each; thirty copyists, at $720 each; three messengers; twenty-five assistant messengers; fifty-one laborers, at $600 each; 50 laborers, at $480 each; thirty-nine messenger boys, at $360 each; in all $968,010.

The amendment was agreed to.

The next amendment was, on page 123, line 14, before the word "dollars," to strike out "two thousand five hundred" and insert "four thousand;" so as to make the clause read:

For collecting statistics for special reports and circulars of information, $4,000.

The amendment was agreed to.

The next amendment was, on page 125, line 21, after the word "dollars," to insert "Patent Office model exhibit, $19,500;" and in line 24, before the word "hundred," to strike out "thirty-nine thousand nine" and insert "fifty-nine thousand four;" so as to make the clause read:

For rent of buildings for the Department of the Interior, namely: For the Bureau of Education, $4,000; Geological Survey, $29,200; additional rooms for the engraving and printing divisions of the Geological Survey, $1,200; storage of documents, $1,000; Civil Service Commission, $4,500; Patent Office model exhibit, $19,500; in all, $59,400.

The amendment was agreed to.

The next amendment was, under the head of "Post-Office Department," on page 131, line 15, before the word "thousand," to strike out "twelve" and insert "eight;" so as to read:

Office Postmaster-General: For compensation of the Postmaster-General, $8,000.

The amendment was agreed to.

Mr. FORAKER. In line 19, on page 131, after the word "thousand," I move to strike out "two hundred and fifty" and insert "five hundred," so as to make the salary of the disbursing clerk in the Post-Office Department $2,500 instead of $2,250.

Mr. CULLOM. Mr. President——

Mr. FORAKER. If this is not the proper time for me to offer that amendment, I will simply give notice that I shall offer it when the committee amendments shall have been disposed of.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the item of appropriation for the maintenance of the office of the Postmaster-General, on page 132, line 17, before the word "dollars," to insert "two hundred;" in line 18, before the word "watchmen," to strike out "two" and insert "three;" in line 19, before the word "watchmen," to strike out "thirty-one" and insert "thirty-three;" and on page 133, line 2, before the word "dollars," to strike out "sixty-eight thousand one hundred and ninety" and insert "sixty-five thousand nine hundred and fifty;" so as to read:

Captain of the watch, $1,200; additional to three watchmen acting as lieutenants of watchmen, at $120 each; thirty-three watchmen; foreman of laborers, $800; thirty laborers; ten laborers and coal passers, at $500 each; plumber, and awning maker, at $900 each; female laborer, $540; three female laborers, at $500 each; three female laborers, at $480 each; and forty charwomen; in all, $165,950.

The amendment was agreed to.

The next amendment was, on page 138, line 4, before the word "clerks," to strike out "two" and insert "four;" in line 5, before the word "clerks," to strike out "nine" and insert "eleven;" in line 9, before the word "clerks," to strike out "twenty-nine" and insert "twenty-five;" and in line 12, before the word "hundred," to strike out "fifty-one thousand six" and insert "fifty-four thousand four;" so as to make the clause read:

Office Fourth Assistant Postmaster-General: For Fourth Assistant Postmaster-General, $4,500; chief clerk, $2,500; superintendent division of rural free delivery, $3,000; assistant superintendent division of rural delivery, $2,000; four clerks of class 4; four clerks of class 3; eleven clerks of class 2; thirty-one clerks of class 1; stenographer, $1,600; stenographer, $1,200; forty-five clerks, at $1,000 each; twenty-five clerks, at $900 each; three messengers; two assistant messengers; and three laborers; in all, $154,440.

The amendment was agreed to.

The next amendment was, on page 141, line 13, before the word "dollars," to strike out "twenty-three thousand five hundred" and insert "twenty-five thousand;" so as to read:

For miscellaneous expenses in the Division of Topography in the preparation and publication of post-route maps, including tracing for photolithographic reproduction; and $3,500 for making of maps for the rural delivery service, $25,000.

The amendment was agreed to.

The next amendment was, under the head of "Department of Justice," on page 142, line 3, before the word "thousand," to strike out "twelve" and insert "eight;" so as to read:

Office of the Attorney-General: For compensation of the Attorney-General, $8,000.

The amendment was agreed to.

The next amendment was, in the item of appropriation for maintenance of the office of the Attorney-General, on page 143, line 3, before the word "dollars," to strike out "four hundred" and insert "seven hundred and fifty;" in line 6, before the word "dollars," to strike out "one thousand six hundred" and insert "two thousand;" in line 16, before the word "charwomen," to strike out "eight" and insert "nine;" and in line 23, before the word "dollars," to strike out "thirty-two thousand two hundred and seventy" and insert "twenty-nine thousand and sixty;" so as to read:

Attorney in charge of pardons, $2,750; disbursing clerk, $2,750; appointment clerk, $2,000; librarian, $2,000; five clerks of class 4; nine clerks of class 3; four clerks of class 2; seven clerks of class 1; telegraph operator and stenographer, $1,200; one clerk, $1,000; eleven clerks, at $900 each; chief messenger, $1,000; two messengers; six assistant messengers; four laborers; three watchmen; engineer, $1,200; assistant engineer, $900; three firemen; two conductors of the elevator, at $720 each; nine charwomen. Division of accounts: Chief of division of accounts, $2,500; chief bookkeeper and record clerk, $2,000; three clerks of class 4; five clerks of class 3; seven clerks of class 2; seven clerks of class 1; two clerks, at $900 each; one packer, $900; in all, $229,060.

The amendment was agreed to.

The next amendment was, on page 145, line 12, before the word "clerks," to strike out "two" and insert "four;" in the same line, before the word "clerks," to strike out "four" and insert "two;" and in line 14, before the word "hundred," to strike out "twenty-one thousand nine" and insert "twenty-two thousand three;" so as to make the clause read:

Office of the Solicitor of the Department of Commerce and Labor: For Solicitor of the Department of Commerce and Labor, $4,500; chief clerk and law clerk, $2,250; two clerks of class 4; two clerks of class 3; four clerks of class 2; two clerks of class 1; and one messenger; in all, $22,390.

The amendment was agreed to.

The next amendment was, under the head of "Department of Commerce and Labor," on page 145, line 17, before the word "thousand," to strike out "twelve" and insert "eight;" so as to read:

Office of the Secretary: For compensation of the Secretary of Commerce and Labor, $8,000.

The amendment was agreed to.

Mr. CULLOM. In line 24, on page 145, I move to strike out "seven hundred and fifty" and insert "five hundred;" so as to make the appropriation for the salary of the disbursing clerk of the Department of Commerce and Labor $2,500.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the item of appropriation for maintenance of the office of the Secretary of Commerce and Labor, on page 146, line 1, after the word "dollars," to strike out "two chiefs of division, at $2,000 each," and insert "one chief of division, $2,250; one chief of division, $2,000;" so as to read:

Chief of appointment division; $2,250; one chief of division, $2,250; one chief of division, $2,000.

The amendment was agreed to.

The next amendment was, in the item of appropriation for maintenance of the office of the Secretary of Commerce and Labor, on page 146, line 20, before the word "dollars," to strike out "two hundred;" and in line 22, before the word "dollars," to strike out "fifty-five thousand eight hundred and forty" and

insert "fifty-one thousand eight hundred and ninety;" so as to read:

Captain of the watch, $1,000; six watchmen; fifteen charwomen; in all, $151,890.

Mr. CULLOM. On page 146, line 22, I move to amend the committee amendment by striking out the words "eight hundred and ninety" and inserting "six hundred and forty;" so as to make the total appropriation in that paragraph $51,640.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 146, line 23, after the word "compensation," to insert "at not more than $10 per day;" on page 147, line 2, before the word "thousand," to strike out "thirty" and insert "fifty;" and in the same line, after the word "dollars," to insert "not more than $20,000 of which shall be used in the investigation of markets for cotton;" so as to make the clause read:

For compensation, at not more than $10 per day, and actual necessary traveling expenses of special agents to investigate trade conditions abroad, with the object of promoting foreign commerce of the United States, $50,000, not more than $20,000 of which shall be used in the investigation of markets for cotton; and the results of such investigation shall be reported to Congress.

The amendment was agreed to.

Mr. CULLOM. On line 25, page 150, I move to strike out "two thousand five hundred" and insert "three thousand;" so as to make the appropriation for "four chief statisticians of the Census Office" $3,000 each.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 151, line 1, after the word "dollars" to insert "and $500 additional for acting as Director of the Census in the absence of that officer, and for superintending census publications;" so as to read:

The Census Office: For Director, $6,000; four chief statisticians, at $2,500 each; chief clerk, $2,500, and $500 additional for acting as Director of the Census in the absence of that officer, and for superintending census publications.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the maintenance of the Census Office, on page 151, line 14, before the word "skilled," to strike out "two" and insert "three;" and in line 22, before the word "hundred," to strike out "four thousand three" and insert five thousand eight;" so as to read:

Electrician, $1,000; three skilled laborers, at $1,000 each; four skilled laborers, at $900 each; ten watchmen; five messengers; two firemen; five assistant messengers; ten skilled laborers, at $720 each; seven unskilled laborers, at $720 each; four messenger boys, at $480 each; twenty-four charwomen; in all, $705,860.

Mr. CULLOM. On page 151, line 21, I move to amend the amendment of the committee by striking out the word "five" and inserting "seven;" so as to make the total $707,860.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 152, line 7, after the word "law," to strike out "$400,000" and insert "$525,000, of which amount $150,000 to be immediately available;" so as to make the clause read:

For securing information for census reports, provided for by law, semimonthly reports of cotton production, and periodical reports of the domestic and foreign consumption of cotton, per diem compensation of special agents and expenses of the same and of detailed employees, the cost of transcribing State, municipal, and other records, the temporary rental of quarters outside of the District of Columbia for supervising special agents, and the employment by them of such temporary service as may be necessary in collecting the statistics required by law, $525,000, of which amount $150,000 to be immediately available.

The amendment was agreed to.

The next amendment was, on page 153, line 19, before the word "dollars," to strike out "three thousand five hundred" and insert "four thousand;" and in line 24, before the word "hundred," to strike out "twelve thousand nine" and insert "thirteen thousand four;" so as to make the clause read:

Office Supervising Inspector-General Steamboat-Inspection Service: For Supervising Inspector-General, $4,000; chief clerk and Acting Supervising Inspector-General in the absence of that officer, $2,000; two clerks of class 3; two clerks of class 1; one clerk (file clerk and stenographer), $1,000; one messenger; in all $13,440, the same to be paid from the permanent appropriations for the Steamboat-Inspection Service.

The amendment was agreed to.

The next amendment was, on page 154, line 4, after the word "dollars," to insert "deputy commissioner, $2,400; chief clerk, $2,000;" in line 6, after the word "four," to strike out "additional to one clerk designated as deputy commissioner, $600;" and in line 13, before the word "and," to strike out "thirty thousand two hundred," and insert "thirty-four thousand;" so as to make the clause read:

Bureau of Navigation: For Commissioner of Navigation, $4,000; deputy commissioner, $2,400; chief clerk, $2,000; three clerks of class 4; clerk to Commissioner, $1,600; one clerk of class 3; three clerks of class 2; four clerks of class 1; two clerks, at $1,000 each; five clerks, at $900 each; one messenger; one assistant messenger; in all, $34,060.

The amendment was agreed to.

The next amendment was on page 154, line 20, after the word "dollars," to strike out "one clerk" and insert two clerks;" in line 21, before the word "clerks," to strike out "two" and insert "three;" in line 22, before the word "clerks," to strike out "six" and insert "seven;" in line 23, before the word "copyists," to strike out "three" and insert "four;" and in line 25, before the word "hundred," to strike out "thirty-six thousand three" and insert "forty-one thousand six," so as to make the clause read:

Bureau of Immigration and Naturalization: For Commissioner-General of Immigration, $4,000; Assistant Commissioner-General who shall also act as chief clerk and actuary, $3,000; private secretary, $1,800; statistician and stenographer, with authority to act as immigrant inspector, $2,000; two clerks of class 4; three clerks of class 3; five clerks of class 2; two clerks of class 1; seven clerks, at $1,000 each; four copyists; two messengers; one assistant messenger; in all, $41,600, which, together with all other expenses of regulating immigration shall be paid from the permanent appropriation for expenses of regulating immigration.

The amendment was agreed to.

The next amendment was, on page 157, line 1, after the word "dollars," to insert "to be immediately available;" so as to read:

For apparatus, machinery, tools, and appliances used in connection with the buildings or with the work of the Bureau, including an express wagon not to cost more than $2,500, to be immediately available.

The amendment was agreed to.

The next amendment was, under the head of "Judicial," on page 160, line 25, before the word "dollars," to insert "two hundred and fifty;" so as to make the clause read:

For clerk, $3,250.

The amendment was agreed to.

The next amendment was, on page 161, line 2, before the word "dollars," to insert "two hundred and fifty;" so as to make the clause read:

For assistant or deputy clerk, $2,250.

The amendment was agreed to.

The next amendment was, on page 161, line 6, before the word "dollars," to strike out "nine hundred" and insert "one thousand;" so as to make the clause read:

For crier, $1,000.

The amendment was agreed to.

The next amendment was, on page 161, line 12, before the word "hundred," to strike out "one" and insert "seven;" so as to make the clause read:

For three stenographers, one for the chief justice and one for each associate justice, at $900 each; in all, $33,720, one-half of which shall be paid from the revenues of the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 164, after line 2, to strike out:

For pay of a custodian of the building occupied by the Court of Claims, to be paid on the order of the court, $500.

Mr. HALE. I should like to have that amendment disagreed to, but at the suggestion of the Senator in charge of the bill, I am entirely willing to leave it to the committee of conference.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 164, line 19, after the word "persons," to insert "permanently;" so as to make the section read:

SEC. 3. The appropriations herein made for the officers, clerks, and persons employed in the public service shall not be available for the compensation of any persons permanently incapacitated for performing such service, and the heads of Departments shall cause this provision to be enforced.

The amendment was agreed to.

The next amendment was, on page 164, after line 21, to strike out sections 4 and 5, as follows:

SEC. 4. On and after March 4, 1907, the compensation of the Speaker of the House of Representatives and Vice-President of the United States shall be at the rate of $12,000 per annum each.

SEC. 5. On and after March 4, 1907, the compensation of heads of Executive Departments who are members of the President's Cabinet shall be at the rate of $12,000 per annum.

Mr. GALLINGER. I will ask the Senator if he is not willing that these last proposed amendments shall go over?

Mr. CULLOM. I have no objection to any provision looking to the question of fixing the salaries of the Cabinet officers, the Vice-President, the Speaker of the House, and members of the House and Senate going over. I am willing to let the subject go over until to-morrow or some other day.

Mr. GALLINGER. Mr. President, in this connection I desire

to say that I have noticed in certain papers, supposed to know what was done in the Committee on Appropriations yesterday, that it is stated that I offered an amendment increasing the salaries of Congressmen and that it was not agreed to by the committee. My associates on that committee will bear me out in stating that no amendment of that character was offered.

Mr. HALE. The action of the committee was entirely unanimous.

Mr. NELSON. I understand the committee report no increases?

Mr. HALE. No increases anywhere in that direction.

The reading of the bill was resumed and concluded.

Mr. CULLOM. Mr. President, let the bill go over as it stands, and I will call it up to-morrow morning or some other time that may be agreed upon.

Mr. FORAKER. I did not understand what the Senator from Illinois said.

Mr. CULLOM. I am willing to let the bill go over now, the reading having been finished, to be disposed of to-morrow morning or some other time.

Mr. FORAKER. I hope the committee will agree to the amendment, of which I gave notice, increasing the salary of the disbursing officer of the Post-Office Department $250. He disburses a large amount of money and he gives a large bond, which is a burden to him. Officers of that grade are generally paid $2,500, as I understand.

Mr. CULLOM. What is this officer getting?

Mr. FORAKER. Twenty-two hundred and fifty dollars, and my amendment is to strike out "two hundred and fifty" and insert "five hundred," so as to pay him what other officials of the Government of that class get.

Mr. CULLOM. We have just stricken out a part of the salary where a disbursing officer was receiving $2,750 and cut it down to $2,500.

Mr. FORAKER. I want to meet you half way——

Mr. CULLOM. I will consult with the Senator to-morrow with reference to the official to whom he refers and see what can be done about it.

Mr. FORAKER. I am willing to let it go over, but I was afraid I might not be here when it came up.

Mr. CULLOM. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 34 minutes p. m.) the Senate adjourned until to-morrow, Saturday, January 12, 1907, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January 11, 1907.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

JOHN INGRAM.

Mr. LOUDENSLAGER. Mr. Speaker, I ask unanimous consent for the present consideration of the concurrent resolution which I send to the desk.

The SPEAKER. The gentleman from New Jersey asks unanimous consent for the present consideration of a concurrent resolution, which the Clerk will report.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return the bill (H. R. 18214) entitled "An act granting an increase of pension to John Ingram."

The SPEAKER. Is there objection?

Mr. LOUDENSLAGER. I move the adoption of the resolution.

The resolution was agreed to.

ETIENNE DE P. BUJAC.

Mr. MILLER. Mr. Speaker, I desire to offer the following privileged resolution and ask its immediate consideration.

The SPEAKER. The gentleman from Kansas offers a resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That the Clerk of the House is hereby directed to request the Senate to furnish the House of Representatives a duplicate certified copy of an engrossed bill (S. 4926) for the relief of Etienne De P. Bujac, the original bill having been lost.

The question was taken; and the resolution was agreed to.

PENSION BILLS.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent that bills in order for consideration to-day be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent that bills in order to-day be considered in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none. The gentleman from Rhode Island [Mr. CAPRON] will take the chair.

HERMAN HAGEMILLER.

The first pension business was the bill (H. R. 18969) granting an increase of pension to Herman Hagemiller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pensions laws, the name of Herman Hagemiller, late of Company C, Fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $34 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

In line 8 strike out the word "four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bill of the following title:

H. R. 189. An act to establish a life-saving station at the Isles of Shoals, off Portsmouth, N. H.

The message also announced that the Senate had passed joint resolution and bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. R. 80. Joint resolution authorizing the Secretary of War to furnish two 3-inch wrought-iron muzzle-loading cannon, with their carriages, limbers, and accessories to the State of South Dakota;

S. 6898. An act concerning licensed officers of vessels;

S. 953. An act for the establishment of lights at the mouths of Warroad and Rainy rivers, Lake of the Woods, Minnesota; and

S. 5133. An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon.

SENATE BILLS AND JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate joint resolution and bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. Res. 80. Joint resolution authorizing the Secretary of War to furnish two three-inch wrought-iron muzzle-loading cannon, with their carriages, limbers, and accessories, to the State of South Dakota—to the Committee on Military Affairs.

S. 953. An act for the establishment of lights at the mouths of Warroad and Rainy rivers, Lake of the Woods, Minnesota—to the Committee on Interstate and Foreign Commerce.

S. 6898. An act concerning licensed officers of vessels—to the Committee on the Merchant Marine and Fisheries.

S. 5133. An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon—to the Committee on Interstate and Foreign Commerce.

HEZEKIAH JAMES.

The next pension business was the bill (H. R. 18322) granting an increase of pension to Hezekiah James.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hezekiah James, late of Company E, Sixty-third Regiment, United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," insert the words "Company C, Sixty-ninth Regiment, and."

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SAUL COULSON.

The next pension business was the bill (H. R. 17810) granting an increase of pension to Saul Caulson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Saul Caulson, late of Company H, Twenty-eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month.